

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

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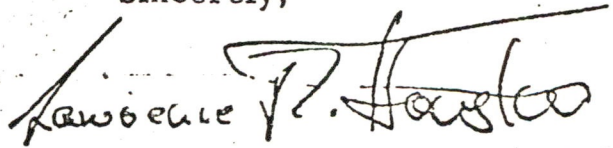
Kevin T. Maroney, Esq.  
Deputy Assistant Attorney General  
Criminal Division  
Department of Justice  
Washington, D. C. 20530

Dear Kevin:

In envelope No. 1 are the two assessments, which were prepared at the request of Mr. David Young of the National Security Council staff. The assessment dated 9 August 1971 was given to Mr. Young on or about 11 August 1971. The other assessment is undated and as best we can establish was given to Mr. Young in the early part of November 1971. These assessments were prepared on the basis of press reports, including newspaper and magazine articles and television interviews, and on selected Department of State and FBI memoranda, all pertaining to Mr. Ellsberg. As stated in the 9 August 1971 assessment, there was no direct clinical evaluation of the subject.

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Sincerely,

A handwritten signature in dark ink, appearing to read "Lawrence R. Houston". The signature is stylized with a large, sweeping initial "L" and "H".

Lawrence R. Houston  
General Counsel

Enclosures



WASHINGTON STAR

17 JUN 1971

Count Ex. 71

rec'd by AS May 10, Thurs

## ELLSBERG GAVE TIMES REPORT, WRITER SAYS

A free lance writer has claimed that the New York Times obtained its copy of the secret study of U.S. involvement in Vietnam from a former Pentagon official who worked on its preparation.

Sidney Zion, who was a reporter for the Times from 1965 to 1970 and a founder of the ill-fated magazine Scanlan's, said Daniel Ellsberg, now at the Massachusetts Institute of Technology's Center for International Studies, passed the study to the Times as "an act of conscience."

Ellsberg worked on the massive study, the Pentagon said yesterday. In 1965, Ellsberg was special assistant to John T. McNaughton, assistant defense secretary for international security affairs. The study, commissioned by then Defense Secretary Robert S. McNamara, was supervised by McNaughton, who died in a plane crash in 1967.

Zion said Ellsberg went from the Pentagon to the Rand Corp., and from there passed on the study to the Times. A Rand Corp. spokesman in Washington said it had no comment.

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BOSTON, MASS.  
HERALD-TRAVELER

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## In Harvard 15th Year Report

# Ellsberg Tells Of Frustrations

The following is the 15th Anniversary Report for Daniel Ellsberg, Harvard Class of 1952:

Address: American Embassy, APO, San Francisco, Calif. 96243. Divorced. Children, Robert Boyd, Dec. 13, 1955; Mary Carroll, Nov. 29, 1956.

I am writing this on my thirty-sixth birthday, lying in a Bangkok nursing home with hepatitis, facing a considerable turning point in my life. The alternatives before me are to stay on in the government in Vietnam, or to return home to research and consulting: a choice between the engine-room and the belly of the whale.

I came here two weeks ago to rest for a few days and think out these issues while everyone was at the Guam Conference. After a few days in Thailand my sudden need for rest took a new color—saffron—and I have had more time to think things through than I expected, as I lie watching dextrose solution dripping into my veins. But the prospect, now, of several months of light physical activity pretty much prejudices the decision.

Before this, I would almost surely have stayed on, probably as special assistant to the incoming chief for civil operations, a long acquaintance, Robert Komer; after eighteen months in Vietnam, and a good deal of travel in the countryside, I have a feeling of responsibility about helping the new team that is arriving. But since the hepatitis will knock me out of the heavier field work, in which I had been specializing (I had recently been taking part, with particular personal satisfaction, as participant observer in combat operations with U.S. units, finally capping—after ten years—a somewhat unfulfilled career as a Marine platoon leader and company commander in peacetime), I have virtually decided to go home, and make my contribution to the Vietnam problem we all share from there.

I'll spend the next month or so of bed-rest working in Saigon, writing down for

about Vietnam. Then in May or June I'll go back to the Santa Monica area to be near my children (Robert, 11, and Mary, 8, in Brentwood) and to take up research again at the Rand Corporation.

If I am, in effect, invalidated out of Vietnam in time to attend the Class Reunion—a pleasant thought—I'll unburden myself on our plight over here over a beer (no, damn it: that's out) at Cronin's, or the current equivalent in the Square (coffee-house? Say, if I keep the beard I've started growing in the hospital, I'll look more contemporary than any of you. Got to get back.)

Now that I think of it, when I last wrote these Class notes (I was late then, too) I was facing virtually the same pair of alternatives, from the other direction: whether to stay at the Rand Corporation (where I was spending my thirty-first birthday, among other days and nights, trying to finish a Ph. D. thesis on subjective probability in time for my Tenth Reunion) or go to Washington, where I had spent most of 1951 consulting at DOD, State and the White House.

I continued to consult in 1952-53, in particular working on policy statements on strategic systems and NATO. On October 22, 1952 (the night of the President's speech on the missiles in Cuba) I was called to Washington as a consultant, where I worked without much sleep for the next week as a member of DOD and State working groups on the crisis.

I left with an intense interest in the analysis of high-level decision-making in international crises, and when I came to Washington in 1964 it was to undertake a study jointly sponsored by State/Defense/CIA/White House, with combined access, of just this problem. I spent the next nine months in various sub-basement documents safes, reading mainly about the Cuban crisis (Schlesinger and Sorensen, I note, don't know, or don't tell, the half of it).

In September, with my findings completed but only partially reported (that lies ahead: but still classified, despite the

Schlesinger-Sorensen questionable precedent), I entered the government as special assistant (GS-15) to John McNaughton, assistant secretary of Defense for International Security Affairs.

After a year, day and night, reading and responding to cables and intelligence on Vietnam, I felt maddeningly (and correctly, as I now see) that neither I, nor the others around me, reading the same cables, knew, or could learn from all this traffic, any of the things that needed knowing about South Vietnam. I tried, representing the government in Teach-ins that spring at Antioch, NYU, Harvard and Washington to communicate honestly some of the complexities, and my own uncertainties to audiences of critical students: earning the tribute, as much as I'd hoped for, from a number of them after my remarks: "Now I'm confused . . . I thought I knew what we should do . . .")

That intellectual frustration, plus a sense of responsibility for having finally urged (however marginal my impact) U.S. troop commitment in the spring of 1965, led me to think of going to Vietnam to work. When I learned that Major General Edward Lansdale, whose background and thoughts I knew and respected, was finally being sent back to Vietnam, I volunteered to go with him. Rather quixotically he accepted me: as an "apprentice" member of a small group of his old, experienced and trusted associates from the campaign against the Huks in the Philippines and from the 1954-56 period in Vietnam.

Although I had offered to accept any rank in joining his team, I was transferred from DOD to State as an FSR-1. (In the government system, this ranks like GS-15, equivalent to lieutenant general; which considerably perplexes people who happen to discover my grade, since in this milieu my qualifications for such a pay-rate do not leap out at them.) However, as a true beginning in the operations we were attempting, my status has been properly menial for most of my time here: distinctly down in the engine-room rather than the bridge, and it soon turned out, in a small, lonely ship in the convoy.

I'm proud to have served with Lansdale, and I've learned fully as much as I hoped: and learned to care deeply for this tortured country, Vietnam (whose countryside, I think, is the most beautiful in the world: a fact that rarely seems to be mentioned), its children, its people and their future. But much of the knowledge is painful: I don't seem to have the



- It has been, most of it, an intensely frustrating and sad year and a half, though with a good deal of excitement and moments of hope. (A letter I wrote giving my impressions after the first several weeks was reproduced under the title "Vietnam Diary," anonymously, in The Reporter, about February, 1966, the proceeds going to the family of a friend, mentioned in the piece, who had just been killed.) I'm more convinced than I could have been before that Lansdale's basic thoughts on political development, on nationalistic and democratic rivalry with Communists for leadership of revolutionary forces, and on counter guerrilla tactics are sound, relevant to Vietnam, and desperately needed here; but none of them are being applied in any degree (until the elections of last September and the ensuing political developments, on which I am pinning my hopes).

When Deputy Ambassador Porter was put in charge of the newly-created Office of Civil Operations (consolidating the field operations of AID, JUSPAO and CIA) last December, I accepted a loosely defined post, with Lansdale's approval, as Porter's special assistant, a job that has kept me largely in the field since then. Assuming that is now closed off for me at least for several months, I shall probably make my way back to Santa Monica in May or June, perhaps via Cambridge.

I have overstayed my hour of sitting up, slouched in a resort chair with my portable on my knees; I feel I should be asking somebody up to get me a Grant's, except that nobody is supposed to give me any Grant's for another six months or so. Back to bed; I think they are coming now, with my yoghurt and glucose...

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FOR PUBLIC AFFAIRS STAFF

PROGRAM CBS SPECIAL REPORT

STATION WCBS-TV AND THE CBS  
TELEVISION NETWORK

DATE JUNE 23, 1971

10:30 PM

CITY NEW YORK

FULL TEXT

ANNOUNCER: The Pentagon Papers: A Conversation With Daniel Ellsberg. Correspondent Walter Cronkite talks to the Pentagon papers mystery man in an exclusive interview. Next on CBS.

\* \* \*

ANNOUNCER: This is a CBS News Special Report. The Pentagon Papers: A Conversation With Daniel Ellsberg. Here is CBS News Correspondent, Walter Cronkite.

WALTER CRONKITE: Good evening. In recent hours there have been two important decisions in the courtroom battles between the government and the press over publication of those secret papers, documenting the causes and conduct of the Vietnam war. An appellate court tonight granted the Washington Post permission to continue its series of articles after 6 PM Friday. That time to permit the government to appeal to the Supreme Court.

The New York Times, which began the scenario eleven days ago by publishing lengthy excerpts from the documents also won a courtroom skirmish of sorts. In a split decision, another appeals court said the Times on Friday may begin publishing some remaining parts of the series. Other material, however, must



be withheld while a judge decides whether publication would affect national security. The Times says it will appeal that decision to the Supreme Court.

During the controversy, a single name has been mentioned most prominently as the possible source of the Times' documents; Daniel Ellsberg, a former State Department and Penagon planner, and of late something of a phantom figure, agreed today to be interviewed at a secret location. But he refused to discuss his role, if any, in the release of the documents.

I asked him what he considers the most important revelations to date from the Pentagon documents.

DANIEL ELLSBERG: So far, I think both from the papers themselves, and the reaction to them in the public and from the Administration, I think the lesson is that the people of this country can't afford to let the President run the country by himself. Even foreign affairs any more than domestic affairs, without the help of the Congress, without the help of the public. Obviously the public needs more information than it's gotten from the past four presidents in the area of Vietnam, if they're to discharge their responsibilities, I think.

CRONKITE: Isn't this correcting of this problem of public information more in the character of the leaders in Washington than it is in anything that can be legislated? If the leadership wishes to be candid with the American people, presumably it will be. If it does not wish to, there's almost nothing that the

press can do other than attempt to expose the truth. But getting to documents is another problem.

ELLSEBERG: I would disagree with that. It seems to me that, again, the leaders, by whom I think you're referring, to the executive officials, to the Executive Branch of government, have fostered an impression that I think the rest of us have been too willing to accept over the last generation. And that is that the Executive Branch is the government. And that indeed they are leaders in a sense that may not be entirely healthy if we're to still think of ourselves as a democracy.

I was struck in fact by President Johnson's reaction to these revelations as close to treason. Because it reflected to me the sense of--that what was damaging to the reputation of the particular administration or particular individual, was in effect treason, which is in effect very close to saying, "I am the state." And I think that quite sincerely many presidents, not only Lyndon Johnson, have come to feel that.

What these studies tell me is we must remember this is a self-governing country. We are the government. And in terms of institutions, the Constitution provides for a separation of powers, for Congress, for the Courts, informally for the press, protected by the First Amendment. We're seeing all of those branches--if we call them branches of the government--alive and functioning, and I think very well this last week. It hasn't always been the case. I think we cannot at all let the officials of the Executive Branch determine for us what it is that the



public needs to know about how well and how they are discharging their functions.

CRONKITE: Speaking of Mr. Johnson's words that this is treasonous, or whatever that exact quote was, there is a question here though, isn't there, of an individual setting up his own moral judgment over that of the law in the question of revealing these documents, for instance? I mean when we talk about public responsibility and private morality, and government responsibility, there's a crossroads there. And what about this question of individual moral responsibility and the law?

ELLSBERG: I think you're right in describing it as a moral choice. A very difficult one. Very similar, I would take it to be responsibility, the choice that the New York Times and the Washington Post, and now the Globe, sometimes I believe have faced, having been informed by the Justice Department that in the interpretation of the law by the Justice Department, James Reston, Sulzburger, or Bradlee and Catherine Graham would be in violation. They went ahead at their jeopardy, I think, feeling that their obligation to the people of the country, and their rights under the First Amendment, came above the interpretation by the Justice Department or the Defense Department. Now that's basically an analogy.

CRONKITE: Mr. Ellsberg, could a government function however if there was not a loyalty to the system? Now the system maybe should be changed. I think that's a comparatively good point to be made. But, if the system is not changed, then how does

the government sort of protect its own operations if each man makes his own decision on security?

ELLSBERG: The system should be changed I think, to begin with. One way that it should be changed is to--and I think Congress has an interest in this, as does the public, as does the press--is in some way to protect the honest man in that system. I know people who have spoken out. Individuals. Any official does. If that official stays silent it's because he has seen what happened to the ones who went before him who spoke out too frankly. It's very hard really, the way our system operates now, for a truly frank, honest man, to stay in that system indefinitely, without being weeded out, or fired, or made apathetic, or in fact, corrupted in the end.

That has to change. And the government--you ask how can the government function. I have to say the government is not functioning well with the odds weighted as they are now towards concealment, towards fright, in effect, fear. Fear of the consequences of obeying the constitutional obligation to inform the people.

CRONKITE: Now concerning the documents that we have seen in the Times, Post, sometimes the Globe, so far. These documents as released, it has been pointed out, are incomplete history, for example. They do not include the State Department documentation, the White House documentation, except as that across the Pentagon areas, and the individuals were not available, I gather, to you drawing up these innocent investigations.



ELLSBERG: It was simply existence of the study that was a secret. And that was why we were forbidden to interview...

CRONKITE: Let me ask about that. How was it kept a secret from the White House?

ELLSBERG: How was it kept a secret from the New York Times? The fact is that secrets can be held by men in the government whose careers have been spent learning how to keep their mouths shut. I was one of those.

CRONKITE: The documentation, being somewhat incompleteness-flawed history is what some have said about it.

ELLSBERG: Incomplete. Like all history it is flawed. It's certainly very incomplete. It's a start. It's a beginning towards history. I would say it's an essential beginning. But it's only a beginning.

CRONKITE: Well then is it possible to draw conclusions, Mr. Ellsberg, from what we have read so far in this documentation? And I ask that with a couple of specifics in mind. I mean, let's just take some cases. Assistant Secretary of Defense McNaughton, I think in 1964 I believe it was, came up with a paper that was in there, suggesting possible provocation of North Vietnam as an excuse for escalation of the bombing. There is really no evidence at all that President Johnson approved such a program or a thought or would have entertained it if it had been brought to him, is there?

ELLSBERG: When you say there's no evidence on President Johnson you are correct. The record, the documentary record

available for this study is fairly complete on the record of presidential decisions. But on the thinking that the President may have brought to bear on those decisions are not on the internal memoranda that I'm sure flowed within the White House. As a matter of fact, my impression is that presidential opinion on such matters is less committed to paper than that of almost any other official. More on the telephone, more in private conversation. It doesn't leave a documentary trail.

So it would certainly be right from an historical point of view to say that conclusions about presidential motive are least accessible from this particular documentary record.

CRONKITE: So all we really do have here, except where the presidential documentary trail, as you say, crosses the Pentagon area--what we have here then is the thinking of lower echelons on the contingency planning basis primarily, isn't it?

ELLSBERG: For more than contingency planning. That is a quite deceptive description being given to this by former officials and current ones. We're talking in most cases about plans that were called for by the President because of the recommendation by a high official, one or another, that they might well be used in the future. They were done in most cases in the period you're talking about, with the expectation that one of several of a small group of plans would be used.

In many cases we're talking about a plan that was used, or a plan that was recommended. The fact that it was recommended, the fact that it had the character that it did, and the kind



of argument that it did, is information that I would say is very much needed to know by the public. The quality of thinking, the kinds of alternatives that are presented to the public--to the President.

I certainly agree that one of the limitations to this is that it would be a mistake to infer too much from it as to what the President's own thinking was. For example it's quite possible that he was not getting at all alternatives that he would have been very receptive to. But it seems absurd to say that the public has no need to know, let alone a right to know, the nature of the recommendations ultimately that have been made by the appointed officials. And as a matter of fact, the President's judgment in choosing his appointed officials, and in staying with him year after year of experience, is again a (sic) aspect of presidential decision making. How much the President can be judged only if we know the kind of service he was getting from those subordinates.

CRONKITE: Why now, why today, when President Nixon has a policy of withdrawal from Vietnam and seems to be proceeding along in that plan, should this be thrown up to the--for the American people? Wouldn't it be better to let this war get over with and then take a look at how decisions were made and see how we can improve that process in the future?

ELLSBERG: The impression of the public, the voters, in 1964 was not unlike the impression you've just described right now. But they were wrong. They were mistaken as to where their

president meant to take the war. As a matter of fact we have the ironic news which we now learn, and I think again it is worth having learned this, that his opponent in that election knew more than the public did and more than he chose to tell the public about the nature of that planning.

I've been very concerned for the last two years--almost two years now, since the fall of '69--based on some information that I had from people that I trusted and respected within the Administration, that we were in for a replay of the year 1964. If that were--if not evident to the public, that in itself didn't prove it was not possible because it hadn't been evident in 1964. That's one of the...

CRONKITE: What do you mean by a replay of '64? In what specifics?

ELLSBERG: In 1964, the officials who were my colleagues at that time in the Department of Defense had come to believe that it was essential that the United States be bombing North Vietnam, with whom they were not then at war, shortly. They did not wish the public to have really any inkling of this necessity, even whether there was a possibility or a contingency, or as they saw it, a high probability, because an election was coming up, and they were going against an opponent that--this is the sort of thing, by the way, that is not written down in those documents, are not accessible to the study. It is accessible to special assistants. This is the kind of thing that is discussed with special assistants as a matter of fact. It's the sort of thing that can't be put down on paper.



All right, going then against an opponent who was to be portrayed as irresponsible, reckless, and a war monger, it did not seem a suitable time to share with the public the knowledge that the highest advisers of the public--of the President, if not the President--and I've never been certain in my own mind what the President's attitude was at that time--felt that it was essential for us to be bombing sooner, rather than later, North Vietnam.

Now, I came to believe in late '69, on the basis of information from the Administration, that again we had an administration, of which at least two high officials, President Nixon and Henry Kissinger, believed that it was essential to their purposes, their understanding of American interests, that the President have again a credible threat of bombing. This came in conflict, of course, with the cutoff of bombing in the--November, 1968. In effect, we had set conditions in which we would restore bombing, and could not really make a threat credible unless those conditions were violated.

Apparently it seemed essential that the President, in his eyes--I am told to understand--again be ready to threaten bombing. And he understood that to do this would require demonstrations which would require the actual practice of bombing, to achieve again either an acceptable settlement, acceptable to him in terms defined very similarly to those of the past, or an acceptable stalemate, which by now would have to mean one with less U.S. ground troops involved.

The evidence, as time went on, in '69, and then Cambodia in '70, Sontay and the bombing of North Vietnam in the fall of 1970. The bombing, almost very frequently after that, in the operation into Laos. All convinced me, and I think ultimately, began to suggest to a larger number of the public, that this was the direction we were going. A direction in which the threat of escalation and the practice of escalation was once again part of U.S. policy.

In this sense, it did come to seem to me, especially in the spring of 1970, after Laos, that suddenly the history of 1964, '65, had become of extremely urgent relevance to the people of this country. To the Congress. And to the officials.

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CRONKITE: Clearly, the impact of the Pentagon papers reaches beyond military security, and encroaches on the world of politics. I asked Ellsberg what political effect he thought the documents would have.

ELLSBERG: Well, the--actually all the questions so far have been based I think on a slightly wrong premise, and that is that the heart of the study is out, which has been stated by, I think, Newsweek and a couple of people. And that thus the study involves mainly the Johnson Administration. That's far from true. In my own case, actually, the greatest impact of the study by far came from the very earliest periods, to learn much more about the Truman Administration. The period from '45 to '50. The period from '50 to '52, '54. That had I think more effect on my thinking about the war than almost any other thing that I've ever read.



Those revelations it so happens are in the study, had not on the whole come out. Again the period '54 to '56 is I think almost more significant than what comes later. The Kennedy period is just beginning to come out. I think the notion that this study was designed, that the revelations were, designed, to embarrass Johnson versus Kennedy, I think will be quickly allayed within the days, given what I find coming out in the papers right now.

We're talking now about a history that covered four administrations. Three Democrat, one Republican. One of the striking aspects of it I think is the sameness of policy throughout those four administrations. If there are implications for the current administration, I think it's because it's really difficult to read those studies from the beginning and consecutively, and conclude that any one of them, any one of those administrations, would have behaved very differently than Lyndon Johnson did. It may be that they would, but you can't have much confidence that they would, in 1965 and the circumstances in 1965. And that's not reassuring at all.

It does in effect take the issue out of politics as you defined it, I think, and raise much more questions of whether we have been playing follow-the-leader a little too long, and whether we should not look very hard at the question of the Congressional role in foreign policy. The role of the courts in passing upon relations between the President and Congress. And the relation of our policies to our international obligations. And the need for the public to take a much more active and informed role.

So I think ultimately the effect will be far more on our institutions under the Constitution than it will be on the fate of any one party.

CRONKITE: But a point that you made in some of your writings is that throughout all of the deliberations, all the papers, all of the accounting of the costs in dollars and of expenditures and the inputs and the outputs as you mentioned it, there was never any mention of consideration of civilian casualties. And does that apply to the John Kennedy Administration as well?

ELLSBERG: Oh it certainly does. I made that a very general statement that this had never been looked at. At that time I did not allude to these studies. Nor had I publicly, however, at that time. But the fact is that in the seven to ten thousand pages of this study I don't think there is a line in them that contains an estimate of the likely impact of our policy on the overall casualties among the Vietnamese, or the refugees to be caused, the effects of defoliation in an ecological sense. There is neither an estimate nor a calculation of past effects, ever. And the documents simply concern the internal concerns--reflect the internal concerns of our officials. That says nothing more nor less than our officials never did concern themselves, certainly in any formal way or in writing, and I think in no informal way either with the effect of our policies on the Vietnamese.

CRONKITE: How would you describe the men who do not have the same emotional reaction to reading this, in knowing these--being privy to these secrets as you? Are they cold? Are they heartless? Are they villainous?



ELLSBERG: The usual assumption, of course, the usual description of them is, that they are among the most decent and respectable and responsible men that our society has to offer. That's a very plausible judgment in terms of their background. And yet having read the history, and I think others will join this, I can't help but feel that their decency, their humane feelings are to be judged in part of the decisions they brought themselves to make. The reasons for which they did them and the consequences.

Now I'm not going to judge them. The evidence is here. I'm sure this story is more painful for many people at this moment than for me because of course it is familiar to me having read it several times. But it must be painful for the American people now to read these papers, and there's a lot more to come, and to discover that the men who they gave so much respect and trust, regaas well as power, regarded them as contemptuously as they regarded our Vietnamese allies.

CRONKITE: We've talked mostly about long-range effects of these revelations in changing the relationship of the government to the people. But what about the immediate effect on the war as of these days in June, 1971?

ELLSBERG: Yeah the war is going on. I was of course delighted by the vote that I read of this morning, the headline this morning, that the Senate had taken affirmative action to bring this war to an end, and of course I hope they will go much further. I'll hope that they discover that their responsibilities to their

citizens, the citizens of this country and to the voters, do go beyond getting reelected, and that they're men, they're free men who can accept the responsibility of ending this war.

My father had a favorite line from the Bible which I used to hear a great deal when I was a kid. "The truth shall make you free." And I hope that the truth that's out now, it's out in the press, it's out in homes where it should be, where voters can discuss it. It's out of the safe and there is no way, no way, to get it back into the safe. I hope that truth will free us of this war. I hope that we will put this war behind us. And we will learn from it in such a way that the history of the next 20 years will read nothing like the history of the last 20 years.

CRONKITE: And so the epilogue has begun before the curtain has fallen on the last act of this long-running drama called Vietnam. Even before American involvement or the war itself has ended, the inquiry has opened on how it all began. Ellsberg speaks eloquently, with conviction, and clearly with a point of view. But only one side of the continuing debate.

The Pentagon report is only the beginning in itself. The incomplete history. There will be much more. And temptation will be great for a witch hunt, the unmasking of villains, and the manufacture of scapegoats. Should this happen, it would divert our attention and energy from a far more serious and urgent task made clear, if nothing else has been, by the Pentagon study.



-16-

And that is the reestablishment of that cornerstone of democracy. Mutual trust between the branches of government, and more importantly, between the government and the people. Good night.



# The War: The Record and the U.S.

Ellsberg:

## The Quagmire Myth

By DANIEL ELLSBERG

In South Vietnam, the U. S. had stumbled into a bog. It would be mired down there a long time.

—Nikita Khrushchev to Ambassador Thompson, July 1962

By the middle of the first Indochina War, French journalists, contradicting the generals, were telling French readers of a bog in Indochina. Lucien Bodard's account of the 1946-1950 period—which looks quasi-prophetic today—was entitled "The Quicksand War." By the mid-1950's Americans had similar stories to tell. The parallel account was David Halberstam's "The Making of a Quagmire," published just as the real build-up of American ground forces and air power was beginning.

For a great many, perhaps most Americans, images of "quagmire, morass, quicksand, bog" dominate their perception of America's relation to the second Indochina war. Along with the notion of "stumbling in," these metaphors convey a particular, widely shared understanding of the process of decision-making that has yielded a steadily expanding American military involvement in Indochina.

Yet the quagmire conception is a profoundly misleading one. The factual premises on which it is based, about what the President was told to expect from various courses, are mistaken.

For one critical decision period, at least—the fall of 1961—information now publicly available is sufficient to test, and indeed to establish, these propositions. That is possible mainly because of the revelation by the "Kennedy historians" of much previously concealed data relating to the decisions. For few other periods are the public data comparably adequate. Thus, until more such materials are made public, readers who have not had official access to them can only regard most of the propositions presented here with respect to periods other than 1961 as hypotheses.

The fact is that [the Rostow-Taylor report to President Kennedy] described the buildup of U. S. ground combat

units as essential if the U. S. were to reverse the current downward trend of events. [Taylor] reported that he did not, in fact, believe that the program to save South Vietnam would succeed without it.

A force large enough to have the psychological effects required, Taylor suggested, must be more than a bare token, and must be capable of performing tasks of significant value.

Taylor underlined the urgency by making explicit his recognition of an impressive list of disadvantages of the proposed move. These included an increased engagement of U. S. prestige; the difficulty of resisting pressure to reinforce the first contingent if it were not enough (there was no limit to the possible commitment, he warned, if we sought ultimately to clean up the insurgents, unless we attacked the source in Hanoi); and the risk of escalation into a major war in Asia.

It was in the face of all these possible drawbacks that he made his recommendation to introduce a task force without delay—made it on the grounds that a U. S. program to save South Vietnam simply would not succeed without it.

In the spring of 1961, for an audience at the Fort Bragg Special Forces School and later in public writings, Rostow had described the "sending of men and arms across international boundaries and the direction of guerrilla war from outside a sovereign nation" as a new form of aggression, calling for unilateral retaliation against the "ultimate source of aggression" in the absence of international action. (Apparently the major lesson Rostow and Taylor had learned from the Bay of Pigs operation, which took place about the same time as Rostow's speech, was that Castro, or Khrushchev, had the right to bomb Florida and Washington.)

The initial program, as a whole, was presented as adequate for the short run; probably inadequate for the long run, requiring major additional measures; almost surely inadequate for both long-run and short-run aims without the vital element of the task force, for which there was no convincing substitute.

President Kennedy bought the program minus the task force.

It must be understood that there was no business in internal discussion about the distinction between U. S. ground combat units, on the one hand, and the mixed bag of advisers, logistics, and combat support troops, including intelligence, communications, and helicopter personnel, on the other. These two categories were regarded by all as posing very different risks and benefits; and by October 1961, even prior to Taylor's trip, it was regarded as almost a foregone conclusion that the latter would be supplied.

Given the expectation prior to the Taylor-Rostow mission that at least the advisory build-up and other measures short of troops would be approved, and given the recommendations he actually received, it seems likely that the President himself and his high-level advisers regarded his rejection of the proposal to send combat units immediately as his most, perhaps only significant decision of the period (although, as such, it was successfully concealed from the public).

There is no basis whatever for describing the President in this instance as taking a "small step" [Arthur Schlesinger's phrase] because he was promised success with it. His decisions, he was assured, held out the almost certain prospect that new, larger steps, or else retreat, would present themselves as hard choices in the not-distant future.

It appears, in the light of internal documentation, that the elements of paradox apply virtually across-the-board to major Presidential initiatives on Vietnam over the last two decades. No more than in 1961 were the measures of increased involvement that were actually adopted promised or expected to be adequate "last steps" or, indeed, anything but holding actions, adequate to avoid defeat in the short run but long shots so far as ultimate success was concerned. This is true of each of the major years of decision over that generation:

(1) 1950, when the first \$10 million in credits were granted by the Truman Administration to the French and Vietnamese efforts against the Vietnamese (in May, a month before the Korean invasion);

(2) 1954, when direct entry into the war was considered and rejected by Eisenhower, followed by a gradually hardening commitment to the support of Dien; and

(3) late-1961;

(4) 1963, the Kennedy decision to encourage the overthrow of Diem;

(5) 1965, the Johnson decisions to bomb North Vietnam, then to deploy U. S. troops in limited numbers to



South Vietnam and employ U. S. air support, then after mid-July, to accept open-ended ground force commitment; (6) 1953, when proposals to mobilize reserves and expand the war to Cambodia and Laos were considered and rejected, followed by "Vietnamization" and talks.

Almost regardless of his attitudes on the war, a reader is likely to rise from a survey of internal evidence baffled and troubled, with the question on his mind: "How could they?" How could four Presidents—Truman, Eisenhower, Kennedy, Johnson—in the face of estimates and program analyses and recommendations like these, so persistently have chosen what were almost always presented at the time of decision as long shots, almost surely inadequate in the long run, potentially costly and risky, in favor either of measures purported to be more effective or of lesser involvement?

Kennedy did not live either to win the election or to leave the war. Instead he willed the war to a President determined not to be the first to lose one, leaving an unchanged U. S. policy toward Vietnam to an insecure successor who had some reason to fear the political consequences—even at the hands of the dead President's heirs, officials and supporters—of publicly abandoning it.

The risk that "losing" Vietnam would pose some risk from a faction within the President's own party was one that Johnson in 1964 shared with Eisenhower in 1954. Even Richard Nixon has seen himself as facing comparable problems in 1969-1971, his special assistant, Henry A. Kissinger, has reported in numerous "back-grounders": "If we had done in our first year what our loudest critics called on us to do, the 13 per cent that voted for Wallace would have grown to 35 or 40 per cent; the first thing the President set out to do was to neutralize that faction."

In any case, it appears that an appropriate abstraction of elements of the initial 1950 decision to intervene—despite the lack of major prior commitment or involvement—fits very well all the major subsequent decisions to escalate or to prolong the war, at least through 1968 and probably beyond.

We have already seen one Presidential ruling at work both in 1950 and 1961: "This is a bad year for me to lose Vietnam to Communism."

In brief: A decade before what Schlesinger calls Kennedy's "low-level crisis" in South Vietnam, the right wing of the Republican party tattooed on the skins of politicians and bureaucrats alike some vivid impressions of what could happen to a liberal administration that changed to be in office the day a red flag rose over Saigon.

Starting in early 1950, the first Administration to learn painfully this "lesson of China" began to undertake—as in a game of Old Maid—to pass that contingency on to its successor. And each Administration since has found itself caught in the same game.

Rule 1 of that game is: "Do not lose the rest of Vietnam to Communist control before the next election."

It is not, after all, only Presidents and Cabinet members who have a powerful need and reason to deny their responsibility for this war. And who succeed at it. Just as Presidents and their partisans find comfort and political safety in the quicksand image of the President-as-victim, so Americans at large are reassured in sudden moments of doubt by the same image drawn large, America-as-victim. It is no more real than the first, and neither national understanding nor extrication truly lie that way.

To understand the process as it emerges in the documents behind public statements, the concerns never written that moved decisions, the history scratched on the minds of bureaucrats: to translate that understanding into images that can guide actions close-related to reality, one must begin by seeing that it is Americans, our leaders and ourselves, that build the bog, a trap much more for other victims: our policies, our politics the quagmire in which Indochina drowns.

These are excerpts from an article in Public Policy Kennedy Institute quarterly, by Dr. Daniel Ellsberg, research associate, M.I.T., who has been reported to have given the Pentagon documents to The Times.



27 JUN 1971

## The Impact:

# One Way or Another— 'There's a Lot More To Come'

WASHINGTON—Had it not been for the United States the history of South Vietnam would not have included "anything that looked like a war," declared Daniel Ellsberg at midweek. By week's end, the United States had begun trying to prove that had it not been for Mr. Ellsberg, the man reported to have leaked the "Pentagon Papers," there would not have been anything like the wholesale disclosure of the Pentagon's private history of the war in South Vietnam.

A United States magistrate in Los Angeles issued a warrant for Mr. Ellsberg's arrest under the espionage laws, stamping him as the central figure in the second phase of the Government's attempt to re-establish secrecy over its version of the history of a war that was indeed still going on. Attorneys for Mr. Ellsberg said yesterday he would surrender tomorrow in Boston.

The wonder was that the Pentagon had much left to hide. The New York Times, which began the disclosures two weeks ago, and The Washington Post were seeking a Supreme Court verdict that they had the right to print what they knew. The Boston Globe, which, like The Times and The Post, was under a court order to stop it from spilling the beans, had to deposit its share of the "Top Secret/Sensitive" documents in a bank vault. Even so, the Nixon Administration was unable to insure that mum would be the word.

The Chicago Sun-Times, the string of Knight newspapers, The Los Angeles Times and The St. Louis Post-Dispatch all picked up on the story. Congress made preparations to hold public hearings on the disclosures that were streaming into print.

President Johnson had a plan for withdrawing troops in 1968 just like Mr. Nixon's Vietnamization program, The Globe said. The Kennedy White House had advance information about, and may even have encouraged, the overthrow of South Vietnamese President Ngo Dinh Diem in 1963, The Sun-Times declared. Former Defense Secretary Robert McNamara was pushing a coalition government for Saigon in 1967, said the Knight account. The National Security Council disregarded in 1963 intelligence advice that the war could not be won, chimed in The Los Angeles Times.

Newsday on Long Island got a peek at Lyndon Johnson's memoirs and finally, on Friday, what the White House had feared might happen, did. The accounts began to include secrets of the Nixon Administration as well as those of its predecessors.

"The Nixon Administration was advised by the Central Intelligence Agency in 1969 that it could immediately withdraw from Vietnam and 'all of Southeast Asia would remain just as it is at least for another generation,'" wrote The Sun-Times. Suddenly the stakes were different for the Nixon Administration.

The White House had appeared slow to get excited, at the beginning, about the Pentagon papers' revelations of Vietnam planning in the Johnson and Kennedy Administrations. Mr. Nixon, after all, had a new policy of measured withdrawal, his spokesman was saying. Prevailing assumptions among the politicians were to the effect that it was the Democrats who would be embarrassed come 1972 about the history unfolding on the front pages. But it soon became evident that the story of the Pentagon papers was going to change many things in Washington and challenge many assumptions about the capital in the future.

There was the challenge, right off, to the classification system itself. It didn't take long for the House Subcommittee on Government Information, chaired by Representative William S. Moorhead of Pennsylvania, to hold hearings. And from the bowels of the Pentagon itself came the assessment of William G. Florance, only recently retired from years of reviewing the way classified information is handled.

"The disclosure of information in at least 99 1/2 per cent of those classified documents could not be prejudicial to the defense interests of the nation."

The studied indifference which the judiciary had shown about the nation's involvement in Vietnam was being put to the test, if indirectly, by the courtroom consideration of the Government's charge that the newspaper articles were a threat to national security. And, whether momentary or not, there was a sudden burst of adrenalin in the creaking Congress that has talked much and done little about restoring its diminishing sense of authority.

When the Senate voted on Wednesday to urge the President to withdraw all American troops from Vietnam within nine months if United States prisoners of war are freed, two things happened. The White House pointed out that the vote was merely advisory and that the President would disregard it, which came as no surprise. And Mr. Nixon stopped disregarding the mood of the Senate on the war, which was something new.

The White House announced the following day that Mr. Nixon had decided the entire 47-volume 7,000-page Pentagon study of the Vietnam war should be provided to each house of Congress under security wraps while the whole matter of declassifying secrets was reviewed. For nearly two years the Administration had refused Congressional requests for a copy of the study on the grounds that further dissemination of it would not be useful.

But Ronald Ziegler, Mr. Nixon's spokesman, said a day after the Senate vote that the

Pentagon war study had "created a situation in which Congress would necessarily be making judgments" based on incomplete information. It seemed the report was useful in making judgments.

It was on Wednesday night, after the Senate vote, that Walter Cronkite of C.B.S. showed his network's television audience the man who now stands accused of possessing—if not leaking—an unauthorized copy of the Pentagon papers. "I think the lesson is that the people of this country can't afford to let the President run the country by himself," Daniel Ellsberg said.

To the incumbent President such talk could hardly sound helpful. Worse, Mr. Ellsberg seemed to be saying that he thought the Pentagon secrets should be spread around because, as he put it in an interview with Newsweek magazine, "I smell 1964 all over again."

Whether it was, in fact, Mr. Ellsberg who ran off 7,000 pages or so of the Pentagon papers on a Xerox machine and spread them around to the press out of a desire to end the war was still to be proved in court—despite a Justice Department affidavit from the M.I.T. researcher's former wife implying as much. Whether the American public that the opinion polls depict as sick of the Vietnam war would regard such a deed as foul or heroic was also still undecided.

No one seemed inclined, however, to dispute Mr. Ellsberg's assertion about the Pentagon papers: "There's a lot more to come."

—JAMES M. NAUGHTON



28 JUN 1971

# Ellsberg Says He Leaked Study; No Ruling Yet for Times, Post

## Surrenders In Boston to U.S. Attorney

BOSTON (AP) — Dr. Daniel Ellsberg surrendered to federal authorities today and told about 150 persons he had provided the New York Times with secret Pentagon papers and is "prepared for all consequences."

Ellsberg is charged in federal warrants with unauthorized possession of the top-secret documents and failure to return them. The warrants were issued late Friday and federal agents have been seeking him since then. Ellsberg's lawyers said Saturday that he would give himself up today.

### Given to Senators

Ellsberg told a group of newsmen and cheering well-wishers outside Boston's federal court building that in the fall of 1969 he had presented the Senate Foreign Relations Committee "information contained in the so-called Pentagon papers."

He said, "After 9,000 more Americans had died, I could only regret that I had not at that same time released that information to the American public. 'I have done so now.'"

He said, "I took the action on my own initiative. I felt as an American citizen—as a responsible citizen—I could no longer cooperate with concealing this information from the American people. I am prepared for all consequences."

"Wouldn't you go to prison to help end this war?" he asked.

Arm-in-arm with his wife and carrying a briefcase, Ellsberg then went into the building to give himself up to U.S. Atty. Herbert P. Travers shortly before 10 a.m.

Ellsberg, 40, a former Pentagon researcher and currently a research associate at the Massachusetts Institute of Technology in Cambridge, had been in hiding since June 16, when he was identified as the source of the secret papers by Sidney Zion, a former Times reporter.

### Times Named No Source

Ellsberg had talked by telephone to friends since then and appeared on the Walter Cronkite CBS television news show. It was not revealed where the show was filmed and Ellsberg at that time did not say whether he had supplied the documents to the Times.

Ellsberg said today he was in Cambridge, Mass. the entire time.

The warrant for Ellsberg was issued in Los Angeles, where a grand jury was investigating the leak of the documents.

Ellsberg was not charged with giving the papers to the Times, and the newspaper had not disclosed the source.

Ellsberg's attorneys said Saturday they had asked the FBI to "refrain from their efforts to apprehend him" in light of his decision to surrender today.

However, a spokesman for the FBI said the search was continuing through the weekend.

His lawyers had said Ellsberg would surrender immediately if the government would release him on personal recognizance, but the government refused.

Asst. U.S. Atty. James N. Gabriel said personal recognizance was out of the question for Ellsberg "under the circumstances."

## High Court Still Studying Papers' Case

The Supreme Court, sitting briefly in public session today, took no action on the two historic cases before it on the right of newspapers to publish stories about the Pentagon's secret Vietnam study.

However, the court indicated it would not adjourn for the summer today as planned, thus suggesting the cases will be decided shortly.

At today's session, Chief Justice Warren E. Burger announced the current term of the court "will continue until further order."

He did so as the court issued a series of rulings finishing up its work for the current term, except for the Justice Department's constitutional fight with the New York Times and Washington Post over the Vietnam archives.

The justices held a hearing on that dispute on Saturday, and worked through the weekend attempting to reach a decision.

It remained possible the court would act before the end of the day.

### Four Enjoined

In the meantime, however, four newspapers — the Times, Post, Daily Globe and New York Post-Journal — remain under

court orders forbidding them to continue with stories they say are based on the secret Pentagon documents.

In the hearing Saturday on the Times and Post cases, U.S. Solicitor General Edwin N. Griswold told the high court the government should have the power to prevent disclosure of materials that would endanger national security.

Griswold claimed that further publication of the secret documents would affect, among other things, the lives of American soldiers in Vietnam and Nixon administration efforts to arrange for release of U.S. prisoners of war.

The Times, represented by Yale law professor Alexander Bickel, and the Post, through attorney William R. Glendon, recalled that the government has been unable to convince lower courts that the material had to be kept secret for security reasons.

"This has been a case of broad claims and narrow proof," Glendon declared. "The one document the government produced as damaging set forth opinions as to the conduct of the war that any high school boy could have put together."



28 JUN 1971

# Crime and Punishment

By ANTHONY LEWIS

LONDON, June 27—When problems of conscience and politics are involved, the criminal law is always likely to be a crude weapon, dangerous to those who use it. That will surely be so in the case of Daniel Ellsberg. For the case may make the idea of "law," as it has been applied in the context of Vietnam, seem an ironic reflection of distorted values.

Hundreds of Americans have been concerned at a high level in planning and directing the Vietnam war. Civilian and military, they ordered the saturation bombing of a peninsula with napalm and antipersonnel devices that inevitably caused massive civilian casualties. They approved the use of defoliant chemicals over a large part of Vietnam—in violation, as we now see, of international conventions. They decreed the free-fire zones and search-and-destroy missions that, along with the bombing, made millions of Indo-Chinese refugees.

They did all this in stealth and deception, concealing the facts as long as they could from the American public and from Congress. They did more than deceive: they lied. One with the ultimate responsibility, the President, even played tricks with the Constitution's command that Congress declare war.

No law has been invoked against any of these men. Some are still in government. Others are back in private life teaching or managing — or writing their memoirs with the help of official documents they took with them.

Daniel Ellsberg participated for a long time in Vietnam policy, but he eventually faced up to the nature of the war. He saw that it was an American war carried on for American purposes in virtual disregard of any Vietnamese interest.

When he was interviewed by the Columbia Broadcasting System last week, that was his compelling conclusion. In all the thousands of pages of the Pentagon's Vietnam war history, he said, "I don't think there is a line" indicating official concern about "casualties among the Vietnamese or the refugees to be caused or the effects of defoliation."

Having faced all that, Mr. Ellsberg found that his conscience required some effort on his part to stop it. He did nothing violent. He tried reason; he talked with those who now advise on Vietnam policy. When that failed, he decided to try to bring the truth

## AT HOME ABROAD

about the war home to the American public — or so the Government says. The formal charge is "unauthorized possession of top-secret documents." If convicted, he could go to prison for ten years.

As a matter of public policy, it is clearly right that Americans should know the truth about the origins of our involvement in Vietnam. Only by that self-knowledge can we hope to purge ourselves of the resentment that seethes through the United States.

And it is also plain enough that public awareness is more likely to end the fighting than executive wisdom. That is why it was sad to have a man as devoted to liberty as the Solicitor General, Erwin Griswold, tell the Supreme Court that the Government should be able to enjoin publication of material affecting "the process of termination of the war." Our theory of government is otherwise, and so are the facts here: only public and Congressional pressure, based on information obtained with difficulty, has wound the war down this far.

But the law raises different considerations. For one thing, the fact that officials responsible for the underlying Vietnam policies have never been called to account does not bar the Government from prosecuting specific offenses related to the war. It is highly doubtful that the United States should now undertake the equivalent of a Nuremberg trial, with all the anguish and witch-hunting that would arouse.

Our notion of law, moreover, requires that we obey the rules even when they seem unjust—or be willing to suffer the consequences of disobedience. When those consequences are grossly unfair, they can be abated by a prosecutor's discretion, by the conscience of a jury, by the understanding of a judge or pardoning authority. Or in the end, they can be endured with the help of public support or private conscience.

I do not know Daniel Ellsberg, and I have no idea what he has done, but I do not think he would disagree with the notion of being judged on the rules. For he has emphasized not only the importance of the truth about Vietnam but the obligation of those who lead the United States to respect law in the larger, the constitutional, sense.

*"As a matter of public policy, it is clearly right that Americans should know the truth about the origins of our involvement in Vietnam. Only by that self-knowledge can we hope to purge ourselves of the resentment that seethes through the United States."*



29 JUN 1971

Joseph Kraft

## The Ellsberg Case

NEW YORK—No one connected with Vietnam brings to bear on the problem more formidable equipment than the apparent parveyor of the Pentagon papers, Dan Ellsberg. With intimate knowledge of the war on the ground he combines experience in the Washington bureaucracy, intelligence of the highest order, and a well-nigh startling capacity for articulation of difficult themes.

Unlike most Americans, moreover, he truly cares about what happens to individual Vietnamese. It is almost exclusively due to his intervention, for example, that an anti-government political leader, Tran Ngoc Chau, is still alive.

But if I came to admire Ellsberg abundantly over a period of five years of intermittent meetings on Vietnam, I also came to doubt his judgments, profoundly. And the story of those encounters is worth telling for it says something about the present plight of both Ellsberg and the country.

OUR FIRST MEETING took place in the Pentagon when Ellsberg was working for the late John McNaughton who was then assistant secretary of defense for international security affairs. I had recently seen something of the Vietnamese Communists. At that time not much was known of them and I went to the Defense Department to tell McNaughton and Ellsberg my impressions.

Ellsberg in particular posed a series of hard questions. He wanted to know about Communist morale, about possible leadership rifts, about conflicts between North and South Vietnamese Communists, about their relations with China and Russia, about the origins and history of the Liberation Front, about its infrastructure and doctrinal notions. At the end I was asked what way I saw of ending the conflict.

I replied that the key was fostering in Saigon a regime that would negotiate with the Communists. That idea McNaughton and Ellsberg flatly rejected. There was no possible way for negotiation in their view. Vietnam was a test of the American will to resist Communist aggression.

A second meeting took place in Saigon when Ellsberg was working for Brig. Gen. Edwin Lansdale. The Lansdale idea, of which Ellsberg had become a violent partisan, was that a Saigon regime friendly to the United States could filch the Communist appeal to the countryside by a combination of social reform and vigorous police action. That notion seemed to me a pernicious fallacy and I had written as much.

When I first called him in Saigon, Ellsberg refused to see me. Then we arranged a clandestine meeting. He told me that in view of my doubts about the policy there was no point in our talking.

I next ran into Ellsberg in the spring of 1968 at a lunch in the home of Sen. Edward Kennedy in McLean, Va. By that time Ellsberg had changed his views and to the considerable embarrassment of everybody at lunch he talked at great length of how wrong he had been.

After lunch I drove him back to Washington. As we drove he kept glancing nervously over his shoulder. When we finally reached town he directed me first to one hotel, then to a second, then to a third, where he finally got out. He was taking precautions, he said, to avoid being followed by agents of the FBI or the Pentagon.

A LAST MEETING took place several months ago at my house in Washington. By this time Ellsberg had long since become convinced that the war was profoundly immoral. He talked about the

of America's guilt and the need to cleanse the national soul.

He recounted in every detail debates he had had with leading figures in the government. He kept casting about for things that might be done to expose the officials responsible for Vietnam. It must have been about that time that the Pentagon papers were turned over to The New York Times.

Two themes run through these different, and not very consequential, meetings. One is the notion of national struggle. From first to last Ellsberg regarded Vietnam as something terribly important for the United States, a critical test of American strength and discipline and probity.

The other constant theme is ego involvement. Ellsberg at all times saw Vietnam as a measure of personal as well as national commitment. His sense of his own standing with himself and the world became a function of who was right when and where and for what reasons on Vietnam.

But the central fact about the Vietnam problem is that it is vastly remote from such exalted considerations. It is a shabby affair in an insignificant country distant from the big issues of world history. It matters immensely to most Vietnamese but cannot for long matter much to most Americans. Thus there has been no way of meeting the problem by the force of positive achievement—either national or personal.

That is why Vietnam has been a special disaster for the best and brightest Americans, those most dedicated to find some good way out. And of these victims, not the least is Dan Ellsberg.



29 JUN 1971

# Hearing Is Set to Pick Site for Ellsberg Trial

A hearing will be held in Boston July 15 to decide on a site for the federal trial of Dr. Daniel Ellsberg on charges that he stole the secret Pentagon papers and refused to return them to the government.

A federal grand jury in Los Angeles yesterday indicted the former Defense Department analyst on charges that could lead to total sentences of 20 years in prison and \$20,000 in fines.

The 49-year-old scholar has been named as the source of the documents for the New York Times. He admitted yesterday in Boston that he had given the papers to the press, but would not confirm that he had given them to the Times.

## Bond Not Posted

He has been released temporarily with bail set at \$50,000. He was not required to post bond before being released.

The July 15 hearing will determine whether Ellsberg is to be tried in Boston, which is near his home in Cambridge, Mass., or in Los Angeles, the site of the

A Man's Evolution From Hawk to Dove. Page A-3

grand jury which indicted him. If he prefers to be tried in Boston, his attorneys may resist any order for a Los Angeles trial.

As the government's criminal case against Ellsberg advanced yesterday with the indictments, there were these developments in the Justice Department's attempt to stop four newspapers from continuing to print stories based on the secret documents:

o The Supreme Court continued in private today to work on opinions to settle the right of the government to forbid further publication of stories on the Pentagon papers in the New York Times and the Washington Post. Court sides indicated this morning that a decision was not likely to come today.

o A federal judge in Boston yesterday agreed to postpone indefinitely—until after the Supreme Court acts—a hearing on

a government request for a court order barring stories on the papers in the Boston Globe.

o The St. Louis Post-Dispatch remained under a court order temporarily barring publication of stories on secret documents. No date has been set for a hearing on a government request for an injunction against the Post-Dispatch.

## Two-Count Indictment

The federal charges against Ellsberg came in a two-count indictment. Each of the two charges against him carries a maximum penalty of 10 years in prison and a fine of \$10,000.

One charge, under the Espionage Act, accuses Ellsberg of having unauthorized possession of the 47-volume study of the origins of the Vietnam war and refusing to return them to government officials. This charge is under the section of the Espionage Act on which Atty. Gen. John N. Mitchell relied in taking his legal challenges against the newspaper stories.

The second charge comes under a section of federal law making it a crime to embezzle or steal government records or property. He is accused of "converting to his own use" copies of the Pentagon papers.

Both of the charges say he had the papers between September and October 1969. They say he had Xerox copies of the 47-volume study, as well as of an 18-volume set of parts of the study.

## Date Not Set

No date has been set for a trial on the charges.

Ellsberg's release by a federal magistrate in Boston yesterday came after the government urged that his bail be set at \$100,000 because Ellsberg had eluded arresting officers over the weekend and because of the "severity" of the charges against him.

But Ellsberg and his attorneys successfully urged the magistrate to set the bail at \$50,000, and not to require any part of it to be put up before release. This was based on a promise that Ellsberg would voluntarily appear for court proceedings on the case against him.



29 JUN 1971

# Ellsberg Yields; Indicted; Says He Gave to Press

By ROBERT M. GOLD

Special to The New York Times

BOSTON, June 28—Dr. Daniel Ellsberg declared today that he had given the Pentagon study of the Vietnam war to the press. Moments later he surrendered to the United States Attorney here for arraignment on charges of unauthorized possession of secret documents.

Later in the day a Federal grand jury in Los Angeles returned a two-count indictment accusing Dr. Ellsberg of the theft of Government property and the unauthorized possession of "documents and writings related to the national defense."

The 40-year-old scholar and former Defense Department official had been described as the source of the Pentagon documents that The New York Times drew upon for its Vietnam series, the publication of which began on June 13 and was stopped on June 15 by Federal Court order.

## Times Silent on Source

The Times refused again today to discuss the source of its documents.

After a one-hour hearing before United States Magistrate Peter W. Princi, Dr. Ellsberg was released on \$50,000 bail. The Government had asked that bail be set at \$100,000.

At almost exactly 10 o'clock this morning, as his lawyers promised Saturday, Dr. Ellsberg drove in a taxi to the Post Office Building, which houses the Federal courts. Looking calm and confident and clutching his wife, Patricia, around the shoulders, he told the crushing throng of newsmen that in 1969 he gave the information contained in the documents to Senator J. W. Fulbright, chairman of the Senate Foreign Relations Committee.

"This spring, after two invasions and 9,000 more Americans deaths, I can only regret that at the same time I did not release them to the news papers," he said. "I have now done so. I took this action solely at my own initiative."

"I did this clearly at my own jeopardy and I am prepared to answer to all the consequences of these decisions. That includes the personal consequences to me and my family, whatever those may be. Would not you go to prison to help end this war?"

In an interview later as he stood barefoot on the porch of his home in Cambridge, Dr. Ellsberg declined to discuss the details of how he gave the documents to the press. He would not confirm that The Times, the first newspaper to publish some of them, was the recipient of the 7,000-page study nor would he say whether he had a role in subsequent appearances of segments of it in other newspapers.

"I feel inhibited while there is litigation before the Supreme Court which turns in part on protection of sources," he said.

"I don't want to say things that would make the case moot."

But, he added, "I was determined not to come forward without accepting responsibility."

## First Appearance in 10 Days

It was Dr. Ellsberg's first public appearance in the 10 days since his name was mentioned publicly as The Times's source of the study, of which he was one of 20 or 40 authors. A warrant for his arrest was issued in Los Angeles late Friday, but his lawyers advised him to await a regular business day to surrender. Over the weekend he eluded an intensive search by Federal Bureau of Investigation agents.

The warrant charges Dr. Ellsberg, a former Marine Corps officer, who is now a research associate at the Massachusetts Institute of Technology, with possession and failure to return the secret papers, under Title 18, Section 793E, of the United States Code. He is not accused of transmitting documents to anyone else.

After pushing through an almost impenetrable crowd of newsmen and cheering well-

wishers, Dr. Ellsberg and his lawyers, Leonard R. Boudin and Charles R. Nesson, both professors at the Harvard Law School, entered the 11th-floor offices of the United States Attorney, Herbert F. Travers Jr.

There he was placed under arrest by F.B.I. agents and taken to the United States Marshal's office for photographs and fingerprinting. About 30 minutes later, with two Federal marshals holding his arms he was taken to a 12th-floor courtroom.

There Dr. Ellsberg sat alone behind a brass rail and listened intently, his chin propped on his hand, as his lawyers and the Assistant United States Attorney, Lawrence P. Cohen, presented arguments over bail.

## 'Severity of the Crime'

Mr. Cohen argued for \$100,000 bail because of the "severity of the crime as measured by the punishment"—up to 10 years in prison and a \$10,000 fine, or both—and because Dr. Ellsberg did not turn himself in immediately upon issuance of the warrant, eluding the F.B.I. over the weekend. "This suggests the defendant has the resources to remain in hiding and frustrate this court," Mr. Cohen said.

In response Mr. Boudin asked that his client be released in his own recognizance. Magistrate Princi expressed some doubt, saying that if the defendant was proved guilty of being insensitive to laws protecting secret documents, then "might he not be also insensitive to his obligation to appear if he found things were not going as he anticipated?"

Mr. Boudin sought to establish Dr. Ellsberg's reliability by reading a long list of his accomplishments and former positions—as special assistant to the Assistant Secretary of Defense and as a special assistant to the United States Ambassador to Vietnam. The lawyer added that the defendant waited until today to surrender to avoid the "Roman holiday" atmosphere that sometimes surrounds major F.B.I. arrests.

The United States Attorney replied that it was a matter of public notice that Dr. Ellsberg "has been in concealment for two weeks."

"I'd like something concrete," the Magistrate said. "He is here this morning. Is there any reason to believe he would not be here next week?"

Eventually Dr. Ellsberg, a slim, intense-looking man, asked that he be allowed to "make myself responsible to the public." After several more minutes, he rose again and said, "I do ask that my re-

sponsibility for my appearance be accepted."

At this the Magistrate said: "I am going to take you at your word. I am going to put you on \$50,000 bail without surety. You're going to walk out and be free." He then scheduled a hearing on July 15 for the removal of Dr. Ellsberg to Los Angeles, where the case will presumably be tried.

At the conclusion of the hearing Dr. Ellsberg and his wife, both smiling, descended to the street and held an impromptu news conference under the bright sun in the middle of Post Office Square, which was thronged with cheering supporters.

He urged everyone to read the documents and expressed the hope that the disclosures would help "free ourselves from this war."

Asked if he had any regrets, Dr. Ellsberg replied, "Certainly not" and added that he was very pleased with the way the newspapers had defended the First Amendment.

"As a matter of fact, it's been a long time since I had as much hope for the institutions of this country," he continued. "When I see how the press and the courts have responded to their responsibilities to defend these rights, I am very happy about that as an American citizen."

## Action by Los Angeles Jury

LOS ANGELES, June 28 (AP)—A Federal grand jury returned a two-count indictment today accusing Dr. Ellsberg of theft of Government property and the unauthorized possession of "documents and writings related to the national defense."

The indictment supersedes a criminal complaint issued last Friday on which the arrest warrant was based. The grand jury met here last week, seeking to find how the Pentagon study reached The New York Times.

Dr. Ellsberg formerly worked at the Rand Corporation in nearby Santa Monica, which does research for the Pentagon and others. One witness before the grand jury, Lynda R. Sinay, who called herself a "dear friend" of Dr. Ellsberg, reportedly told the jurors he had paid her \$150 to copy unspecified documents on a Xerox machine in her office.

Another witness, Anthony J. Russo, who said he had worked with Dr. Ellsberg at Rand, declined to answer questions after being offered immunity. A hearing is set for next Friday on whether he should be held in contempt.



30 JUN 1971

# Documents Not Always Reliable, Ellsberg Says

## Pentagon Study Figure Warns Internal Papers May Not Show President's View

BY DAVID KRASLOW  
Times Washington Bureau Chief

WASHINGTON -- The man who has admitted leaking the top secret Pentagon study of Vietnam policy cautioned in a magazine article last month that internal bureaucratic documents are not necessarily a reliable guide to a President's thinking.

That cautionary note by Daniel Ellsberg is especially relevant to one of the major controversies that erupted following partial publication of documents from the 47-volume study tracking this nation's involvement in Vietnam.

The documents published so far suggest that President Lyndon B. Johnson, while campaigning as a peace candidate in 1964, knew two months before the election that he would inevitably have to order the bombing of North Vietnam.

### Losing Battle

Some authorities say this is an erroneous interpretation drawn from an admittedly incomplete and therefore distorted historical account -- that while the issue was discussed, contingency plans drawn, and a consensus of some advisers achieved, there was no decision by Mr. Johnson.

Former Undersecretary of State George Ball, a Dove in the Johnson administration who fought a losing battle against deepening American military efforts in Vietnam, has said since publication of the papers that Mr. Johnson did not decide the bombing question until early in 1965. The regular bombing of North Vietnam was begun in March,

Some 35 authors who put together the massive Pentagon study at the direction of former Secretary of Defense Robert S. McNamara operated under acknowledged handicaps.

They apparently were given complete access to Defense Department records, but had no access to White House or State Department files and they were enjoined from interviewing any principals involved in the decision-making.

Writing in the May issue of the Public Policy quarterly published by the Kennedy Institute at Harvard, Ellsberg said:

"Certain general considerations caution the analyst/historian not to take the mosaic of bureaucratic inputs to presidential decision as a close or highly reliable guide to the President's own view of a matter, his private expectations and aims."

In the lengthy article, a commentary on Vietnam policy decisions by four Presidents, Ellsberg also said:

"Documentary evidence on the internal decision-making process is far from adequate to answer the critical question of what considerations were salient to presidential attention at a given moment."

"The President—having no formal need to persuade a superior, to coordinate a proposal or to justify a decision internally—puts much less down on paper than other participants in the bureaucratic process."

Ellsberg asserted that because of a President's

own views even more than other participants, except selectively to his closest associates. They in turn guard them closely, for reasons of loyalty, their own access, and politics, even when they later come to write "history."

Mr. Johnson is expected to present some now-secret evidence of what he was thinking about on Vietnam during the 1964 campaign in his memoirs to be published next November.

In fact, Mr. Johnson's use of classified documents in his memoirs is part of the defense raised by the Washington Post in its court fight against the Nixon Administration's effort to suppress the Post's continued publication of the Pentagon study.

Benjamin Bradlee, executive editor of the Post, said in an affidavit to the federal district court that the Johnson manuscript, which he examined at the invitation of the publisher, "contains extensive, verbatim quotations from classified documents contained in the materials involved in this case."

White House files, of course, contain in addition to presidential and National Security Council papers copies of many of the classified documents that originate elsewhere.

When Henry A. Kissinger, President Nixon's adviser for national security affairs, reported for duty at the White House in January, 1969, he found the cupboard bare.

The numerous file drawers of the NSC, which

is Kissinger's domain, were empty. The walk-in vault of the Situation Room in the basement of the White House, where the most sensitive NSC documents are stored, contained not a scrap of paper.

Even the log book had disappeared. The log would have given Kissinger a fairly good idea of

including probably the Pentagon's Vietnam study--the NSC had received from other agencies during the Johnson administration.

Following what apparently has become presidential tradition, Mr. Johnson had all of the NSC files taken to Texas.

Presumably, this material now is in the Johnson library at the University of Texas, and presumably, it will be made available to historians many years later.

One top foreign policy official during the Johnson era has suggested that even under the best of circumstances historians will never get at the whole truth on Vietnam.



1 JUL 1971

Inside Washington



## Policy Sabotage Seen In Pentagon Paper Leak



Robert S. Allen and John A. Goldsmith

WASHINGTON — Publication of the stolen top secret Pentagon documents was deliberately timed to defeat congressional enactment of two crucial military measures—the two year extension of the draft, and the \$21.875 billion weapons authorization bill.

New York Times editors knowingly lent themselves to this covert scheme of left and dove activists.

The material that Daniel Ellsberg, 40-year-old MIT research assistant, allegedly turned over to the New York Times and others consisted of reproductions of the highly classified documents in the possession of the Rand Corp. The California-based "think tank" has two complete sets of the 47-volume top-secret Vietnam study. Ellsberg worked for Rand when the report was being prepared. He quit last year to join the staff of the Center for International Studies at MIT.

Before Ellsberg allegedly "leaked" the pilfered documents, he talked with a number of individuals — among them a federal judge, one or more members of Congress, prominent New Lefters in the Americans for Democratic Action, and Trotskyite leaders of a militant organization.

These are outstanding reports among a number in the hands of congressional investigators preparing to conduct a sweeping probe of this sensational affair.

Definitely slated for interrogation are Ellsberg, editors and reporters of the New York Times, Washington Post and other newspapers, Rep. Paul McCloskey, R-Calif., spearheading the "dump Nixon" agi-

tation, who has publicly stated he had several meetings with Ellsberg and was given copies of documents by him, and certain New Left activists in the Boston-Cambridge area.

The federal judge with whom Ellsberg reportedly was in contact is located in Washington. It is not clear whether they communicated directly or indirectly.

Ellsberg allegedly met with the Trotskyites during the turbulent "spring antiwar offensive" in Washington. He took part in the demonstration there and in Boston. Also participating in the latter was his second wife, Patricia, radical daughter of a millionaire toy manufacturer. They married last year.

**VAIN EFFORT** — So far, the carefully timed plot to publish the stolen documents to defeat the draft bill and multi-billion dollar weapons measure has gotten nowhere.

In both the House and Senate, the vital legislation is unscathed.

After torrid fighting over a number of hostile amendments, the House approved the military hardware bill by an overwhelming majority of 332 to 38. The measure now awaits consideration by the Senate Armed Services Committee.

The two-year draft extension, decisively voted by the House weeks ago, has so far successfully weathered a months-long filibuster-type effort by doves and anti-Vietnam foes to scuttle it in various ways. The outlook was for final Senate concurrence.

**THE REAL ISSUE** — Congressional investigators studying the mounting backstage evidence of the agitational and

political nature of the publication of the stolen top-secret Pentagon documents are evincing increasing indignation at the raising of the defensive cry of "freedom of the press."

Lawmakers are bluntly characterizing this clamor as phony, and designed to cloud the real issue.

That, they contend, is the security and welfare of the nation during a highly uncertain period. Freedom of the press is in no way at stake. Recourse to that historic constitutional right is being resorted to solely to cover up the violation of criminal laws explicitly prohibiting the disclosure of secret documents.

This view was forcefully voiced by Rep. Ben Blackburn, R-Ga., and by a ranking member of the Senate Judiciary Committee. Both legislators scathingly denounced the Times, Washington Post and other newspapers for their "reckless and irresponsible" disclosure of secret information that jeopardizes the security of the country.

Said the senator:

"I strongly believe in the public's right to know, and in the concept of free and open government. But the articles published by the Times and Washington Post far exceed any reasonable interpretation of these principles. The documents in question were stolen from the United States Government and were clearly marked as 'top secret' by the Department of Defense. That these newspapers went ahead and published them, at a time when American combat soldiers are still engaged on the battlefields of Southeast Asia, indicates a callous disregard for a national interests and a serious violation of the law."

BOSTON, MASS.  
GLOBE

2 1970

B - 237,967  
S - 566,377

# God and Country participants see conspiracy in Pentagon papers

By Michael Kenney  
Globe Staff

The Vietnam expert had an embassy tea air, fraying mustache, striped jacket, tie and shirt, bristly eyebrows above horn-rimmed glasses.

Yesterday, as the Ninth New England Rally for God, Family and Country opened at the Statler-Hilton, he was "really surprised" the press hadn't "jumped on the outstanding things" in the Pentagon papers.

Hilaire du Berrier puts out, from Monte Carlo, a conservatively oriented foreign affairs newsletter "HduB Reports" and is the author of "Background to Betrayal," a conservative analysis of the Vietnam war.

At the opening day press conference, duBerrier; Col. Laurence E. Bunjer of Wellesley, rally chairman; and Frank A. Capell, a writer for American Opinion, the John Birch publication, offered a conspiratorial view of the Pentagon papers.

DuBerrier described Leslie Gelb, the director of the Pentagon study, and Daniel Ellsberg, the man who admits leaking it to

the press, as "the boys feeding information into the computers."

"The answers you get out," he said, "are only as good as what you put in. When you see how unbalanced they've been, you shouldn't be surprised."

He noted that the documents refer to reports written before 1961 as "being either lost or mislaid."

"Now, that was the period when (Gen. Edward) Lansdale was creating a power vacuum in Vietnam . . . eliminating the political infrastructure . . . and Ellsberg was later a Lansdale man."

Capell, who has written on Central Intelligence Agency operations for American Opinion, joined the conversation to de-

scribe Ellsberg as "actually a CIA man."

"There's only one-and-a-half lines in his State Department biography," Capell said, catching duBerrier's eye, "and you know what that means."

Bunker, a Boston lawyer who was a longtime aide to Gen. Douglas MacArthur, mentioned that Ellsberg's father-in-law, toy manufacturer Louis Marx, was a

prominent contributor to Democratic campaigns. "The FBI," he said, "told me to stay away from him when I came back to New York with MacArthur."

DuBerrier continued his analysis.

The Pentagon papers, he thought, were "a follow-up to My Lai, something more to stir up the American people against the government in favor of a pullout."



WASHINGTON POST

3 JUL 1971

### *Ellsberg 'Guilty Of Patriotism'*

COUNCIL BLUFFS, Iowa, July 2 (AP)—A national antiwar leader says Daniel Ellsberg, who gave the Pentagon papers to The New York Times, "should be pronounced guilty of patriotism, fined \$1 and sent on his way."

Sam Brown Jr., who directed the nationwide Vietnam moratorium, said he was a personal friend of Ellsberg and spent Monday and Tuesday with him at Cambridge, Mass. Ellsberg has been indicted for unauthorized possession of secret documents.

Brown told the Rotary Club here, "The papers were classified to protect personalities and careers, not as a question of national security." He added, "Dan went to Sen. J. William Fulbright" first and "Fulbright sat on the papers 18 months. Finally, in desperation, Dan went to The New York Times."

4 JUL 1971

Joseph Kraft

## It Won't Happen Again

THE FUMBLING efforts to draw clear general principles from the six opinions of the Supreme Court in the case of the Pentagon papers have a lesson for all of us. It is that the case is not a landmark case.

On the contrary, it is a freak case, distinguished above all by special circumstances. And all of us need to be careful about drawing from it sweeping conclusions with regard to the right state of relations between the government and the press.

The first special circumstance was Defense Secretary Robert McNamara's decision to prepare a systematic study of the involvement in Vietnam. McNamara, once a partisan of the war, had begun to have grave doubts about the course he had advocated. That in itself is unusual.

Moreover, unlike almost all officials who have doubts, he wanted an independent assessment of what went wrong. So he authorized a group of analysts to make a study of how intervention came about. He gave them access to vast stores of highly classified documents, and he left their work relatively unsupervised — still another rarity.

McNamara's unexpected departure from the Pentagon in March 1969 combined with the change in administration at the end of the year to leave the explosive documents in a kind of limbo. There was no policing of the documents by senior interested officials. There were copies at the State Department and the Pentagon, but also at some semi-private institutions such as the Rand Corp. in Santa Monica — another rarity.

By a further fluke, Daniel Ellsberg came into the picture. He had been assigned to the original Pentagon study, but had excited the suspicion of two colonels on McNamara's staff and had been discreetly bumped from the project. So discreetly that his exclusion was unknown to the Rand officials who gave him continued access to the documents — still another rarity.

Ellsberg turned out to be not only a hawk turned dove and an insider prepared to go outside. It also developed that he had a positive flair for the strategy of news presentation, not to say management.

THE RESULT was the most massive security leak in history. The material emerged without advance warning, a true thunderclap. After the first explosion, others followed in train. It was a stroke of public relations genius — yet another rarity.

The Nixon administration was caught wholly by surprise. One White House official presumed the stuff was leaked by Defense Secretary Melvin Laird to embarrass the Democrats, and started to call him down. And it was in these dazed conditions that the administration moved to bar publication by legal injunction.

That action, as the decision by the Supreme Court shows, was wrong. Moreover, the court decision is a salutary reminder — the kind of reminder we need every few years — that there is a First Amendment underwriting freedom of belief and expression.

But none of that makes a classic case. On the contrary,

the massive leak that surfaced so unexpectedly is almost certain never to happen again. There is no reason to expect such crude premeditation by this or any other administration.

The right relationship between government and press, accordingly, has almost nothing to do with the across-the-board confrontation of the Pentagon papers case. The right relationship is delicate and subtle, varying in highly pluralistic fashion from man to man and time to time and episode to episode. And the maintenance of that kind of rapport counts much more than a fundamentalist assertion of supposed rights in fostering responsible government and an informed public.

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5 JUL 1971

Joseph Alsop

# On Revealing Secrets

On the eve of Pearl Harbor, one of the most vicious isolationists, Sen. Burton K. Wheeler, communicated to The Chicago Tribune the secret war plans of the United States. He had got them from a War Department opponent of President Roosevelt's policy, who had stolen the war plans.

The war plans were of course nothing but contingency plans. The Chicago Tribune nonetheless published them as proof of a secret plot to go to war behind the country's back. The Tribune's owner, the singularly arrogant Col. Robert R. McCormick, sanctimoniously explained that he was doing his duty as a patriot.

That one was rather trifling, however, compared to The Tribune's subsequent after-battle report on the great and decisive fight at Midway Island. Without saying so in plain language, this post-battle report made it quite clear that the United States had broken the Japanese Naval Code.

The sequel has never been correctly published to this day. Contrary to common belief, an indictment of The Chicago Tribune was sought after the report on Midway; and a sealed indictment was actually handed down. The failure of the Japanese intelligence blocked prosecution, however.

The Japanese intelligence in fact failed to spot, or at least to draw the obvious conclusion, from The Chicago Tribune story. The same code therefore remained in use. The government's suit was necessarily abandoned, for fear of remedying this gross error of the Japanese intelligence. As late as 1943, it was possible to shoot down the single aircraft carrying Admiral Yamamoto because the Japanese code was still being read.

It can be seen, then, why the rather monstrous ghost of the late Col. McCormick is now walking again. To begin with, the pre-Pearl Harbor publication of the U.S. war

plans, and the later revelation that the enemy's code had been broken, were in the minds of many when important amendments of the Espionage Act were passed in 1950.

The most relevant section of the act, as amended, makes it a felony, punishable by 10 years in jail or a \$10,000 fine or both, to "communicate, deliver, transmit or cause to be communicated" any government "document, writing" and 11 other things such as photographs, plans and notes "relating to the national defense," of which "possession" is "unauthorized." This is in fact the law which President Nixon is now charged with enforcing.

Legally, the government lawyers can perceive no more than one difference between the act of the person who stole the U.S. war plans for Sen. Wheeler, and the act of Dr. Daniel Ellsberg, who stole the Pentagon documents and gave them to The New York Times. The unique difference is that the law has been made stricter in the interval.

Legally, it has been equally impossible to perceive any but this one difference between Col. McCormick's decision to publish, and The Times decision to publish. The Times used exactly the same reasons as Col. McCormick, and all but reproduced the late colonel's peculiar tone when explaining its decision.

Morally, to be sure, there is a wide difference. War plans and broken enemy codes are in quite a different category, morally if not legally, from any collection of government documents, however huge, that has to do with the fairly remote past. Yet the language of the law seems plain enough, despite a declaration in another part of the act that there is no intent to infringe the freedom of the press.

Thus the real drama of the new stage, which started inside the government, is whether the President will

go all the way to enforce the law, which appears to apply just as much to the newspapers as to Dr. Ellsberg. While very sensibly holding that the government had gone too far in seeking an injunction against future publication, Associate Justice Byron White, for instance, remarked that "a newspaper, as well as others connected with the government, (is) vulnerable to prosecution under Section 793D."

To complicate the matter, there has been the widest difference in the ways various newspapers have handled the stolen documents, both as to fairness of presentation of the material, and as to quantities of actual documents published in text. In the latter respect, The Times stands alone.

The quantity of "plain text" published in The Times is already so great that the government cryptographers now consider as compromised all the secret messages sent in the same period over the same types of coding machines. Such, then, are the main ingredients of the choice Mr. Nixon has yet to make: whether to proceed against Dr. Ellsberg alone, or Dr. Ellsberg and The Times, or other newspapers as well.



5 JUL 1971

# The Government vs. the Press

It was, sighed one Federal appeals judge last week, like asking the courts to "ride herd on a swarm of bees with a pencil." The matter at hand was the government's unprecedented attempt to suppress publication of data from the top-secret Pentagon study of the war in Vietnam. But even as the case labored upward to a momentous showdown in the Supreme Court, the bees got loose—at least ten more newspapers and one congressman joined The New York Times and The Washington Post at spilling secrets—and the Nixon Administration got stung. It had, for its pains, succeeded mainly in making itself look at once oppressive (for breaching the ancient American taboo against censorship in advance) and inept (for picking a fight it could not win whatever the verdict). The nine Justices assembled in extraordinary session at the weekend. But the great Constitutional collision had by then dissolved into fiasco, and the Administration was already looking for graceful ways out.

The dawning discovery was that the whole exercise had been not only legally shaky but politically bootless as well. A NEWSWEEK poll, conducted by The Gallup Organization, showed a widespread feeling that both the press and the government sometimes go too far in the continuing contest over secret information—and that, in a crunch, Americans worry more about national security than freedom of the press (page 18). But, by 48 to 33 per cent, they disapproved of the Administration's attempt to bottle up the Pentagon papers by court order. Worse still, the court fight shifted the focus of controversy away from the mistakes and deceptions of the Kennedy-Johnson war years—and onto Mr. Nixon's misadventures at censorship. Some Administration insiders thereupon began offering the line that it was Attorney General John Mitchell's fault—that he had given the President bad advice and that the White House was taking political charge of the matter. The new management quickly began de-escalating. "The main object now, said one Nixon aide, was 'to get out of the line of fire.'"

It was too late to get all the way out.

The government had little choice but to press its two original cases through the U.S. Courts of Appeals (where it lost a round to the Post and won a partial victory against the Times) and on to the dramatic denouement in the Supreme Court in the last days of its term. And Mitchell's men dutifully got a third court order against The Boston Globe when it too began printing stories out of the Pentagon archive. But their taste for combat flagged when still more papers from Mi-

potentially explosive select-committee inquiry into the history of the war this fall. The President himself sought to mollify tempers by sending Congress two copies of the 47-volume study, though with the understanding that it would still be kept secret. The White House, meanwhile, disclosed that Mr. Nixon had issued a Jan. 15 order (itself secret till now) directing all agencies to review their classification procedures with an eye toward making more information public. The

Pentagon said it was rereading the Vietnam history in light of that directive and would declassify some of it within 90 days; in court, government lawyers halved the time, to 45 days.

**Secrets:** The din of combat stole the headlines from what the papers disclosed—and, truth to tell, none of the new secrets quite matched the first eyebrow-raising inferences in the Times that the Johnson Administration had planned all its escalations months in advance and had lied to Congress and the public about them. Several of the new leaks (page 19) documented how Kennedy Administration officials at points encouraged and in the end acquiesced in the coup in which South Vietnam's President Ngo Dinh Diem was overthrown and murdered in 1963. The Los Angeles Times disclosed that a State Department expert on Vietnam had advised earlier that year that the U.S. "get out honorably" while it still could; Robert Kennedy took up this line later, according to Rep. Paul McCloskey, who had his own cache of secrets, but both doubters were overridden. The Boston Globe discov-

ered that, when Lyndon Johnson announced his abdication in March 1968, he was already working on plans for a Vietnamization policy much like the one Mr. Nixon began instituting a year later.

None of this was very surprising. But just as the store of secrets seemed to be running thin, Daniel Ellsberg, the 40-year-old former Pentagon analyst suspected of leaking them to the Times in the first place, suddenly resurfaced for a taped interview with CBS' Mike Cronkite—and ventured that the most painful revelations were even yet to



©—Herb Lubner, in The Washington Post

'Follow That Car—And That One—And That One—'

ami to Los Angeles splashed their own VIET SECRETS; the government did get an order against The St. Louis Post-Dispatch but ignored most of the others.

At the same time, Mr. Nixon moved to quiet the rising furor over the study and its top-secret classification. Capitol Hill was angry at having seen it first in the papers; a House subcommittee began hearings last week on secrecy in government (one early witness ventured that 99 per cent of all the Pentagon's classified files could safely be made public), and the Senate geared up for a



...ome. "Americans," said Ellsberg, "now bear major responsibility, as I read this history, for every death in combat in Indochina in the last 25 years. And that's one to two million people..." Cronkite didn't ask on camera whether Ellsberg really was the man who leaked the papers. Nor did he reveal where the interview was staged. Afterward, Ellsberg vanished again; his lawyers said he would turn himself in in Boston this week.

**Xerox:** The Justice Department by then had preempted a Federal grand jury in Los Angeles and begun presenting its theory of the case—that Ellsberg had access to the study while working for the Rand Corp. in Santa Monica, Calif., in 1969-70 and had duplicated parts of it on a friend's Xerox copier. For witnesses, the government called Anthony J. Russo, 34, who had been a colleague and friend of Ellsberg's at Rand, and Mrs. Lynda Sinay, 28, who had the Xerox at a now-bankrupt ad agency she ran. Both refused to testify at first, pleading that they might incriminate themselves. Each was granted immunity. Russo still refused to talk and a contempt hearing was set for this week. But Mrs. Sinay was said to have acknowledged that Ellsberg had indeed run off 3,600 pages of material on her rented Xerox 914 and had paid her \$150. She said she hadn't noticed any "secret" stamps and didn't know what the papers were. "It wasn't a memorable moment in my life," one insider quoted her as saying. "People were using my Xerox machine all the time."

Outside the grand-jury room, the U.S. was busy collecting affidavits—among them one from his ex-wife, Carol, saying she discovered in October 1969 that he was copying large numbers of papers, some marked top secret. "After the Xeroxing," she was quoted as saying, "he cut the classification off." She told Ellsberg, she said, that what he was doing was criminal and he could go to jail for it, but he replied that he had done nothing illegal and that going to prison wouldn't carry much stigma any more. Affidavits from two Rand security people affirmed that Ellsberg had access to all 47 volumes—and custody of 27 at various times.

Finally, at the weekend, the government made its move. Ellsberg was charged in a Federal warrant with unauthorized possession of top-secret documents—one complete and one partial set of volumes—and with failure to return them. The maximum penalties: ten years and \$10,000.

**'No Proof':** Simultaneously, the government pressed its separate suits against the Times and the Post upward through the courts. It lost both opening rounds, when U.S. District Judges Murray Gurfein in New York and Gerhard Gesell in Washington held that the U.S. hadn't made a case strong enough to warrant bending the First Amendment and imposing "prior restraint" on publication. "There is," ruled Gesell, "no proof that there will be a definite break in diplomatic relations, that there will be an

## PUBLIC OPINION ON THE PENTAGON PAPERS

Newsweek commissioned The Gallup Organization last week to poll the U.S. public reaction to the controversy over the Pentagon papers. Telephone interviewers surveyed a representative cross-section of 339 Americans. The poll questions and answers:

In recent days, the Federal government has gotten court orders against a number of newspapers to keep them from publishing material from a secret government history of how the U.S. got involved in the war in Vietnam. Do you approve or disapprove of what the government did in this case?

Approve	33%
Disapprove	48%
No opinion	19%

Taking everything about the current situation into account, is the greater danger that the freedom of the press might be violated, or that the nation's security might be harmed by letting the information out?

Freedom of press violated	34%
National security harmed	47%
No opinion	19%

As a general rule, do you think the government tries to keep too much information secret from the public or not?

Yes	56%
No	32%
No opinion	12%

Do you think the press is too quick to print classified information whether or not it might hurt the nation's security?

Yes	56%
No	28%
No opinion	16%

Fenza & Berkowitz

armed attack on the U.S. [or] a war." Nevertheless, temporary orders against publishing data from the Pentagon papers held against both newspapers while the government appealed the decisions.

In both Circuit Courts of Appeals, the government tried a new argument—that the courts were no more equipped than the press to decide what would or would not damage national security and so should accept the government's word without question. It cited authorities dating back to Thomas Jefferson to the effect that the government had to keep some foreign-policy and military matters secret—and contended that further disclosures would damage the U.S. diplomatically in Vietnam, the Middle East and the SALT talks with Russia. "There is involved here the integrity of the institution of the Presidency," said U.S. Solicitor General Erwin Griswold, making a rare appearance below the Supreme Court level in the Washington case. The court there nevertheless found for the Post by a solid 7-2 majority, ruling that the government hadn't overcome the "heavy presumption against" any prior restraint. But the appeals court in New York returned a mixed 5-3 judgment allowing the Times to print any uncontested material starting at the weekend—but holding up publication of anything the government objected to pending further hearings before Judge Gurfein this week.

In the midst of all this, The Boston Globe weighed in with the first of the new round of disclosures that bedeviled the Administration all week. Its story barely hit the streets when Mitchell called editor Thomas Winship and said simply, "I see you're in the act now." Yet, said Winship, "Well," said Mitchell, "we're going to have to move against you... or The New York Times will

scream discrimination." That afternoon, Justice got its temporary order against the Globe. But in short order thereafter, The Chicago Sun-Times, The Los Angeles Times, seven of the eleven Knight Newspapers and The St. Louis Post-Dispatch all printed disclosure stories. The Justice Department moved only against the Post-Dispatch. It sloughed off the Sun-Times story with the observation that it came largely from declassified material. The others did use the Pentagon papers. But the government allowed that they didn't affect national security—and privately nursed its suspicion that the Times was doing the leaking to whipsaw the government and the courts.

**Awkward:** All of this put the Supreme Court in the awkward position of having to rush the case against two papers to judgment while others were still divulging classified material—and wire services were distributing it to virtually every newspaper, newsmagazine, radio and TV station in the country. Yet, there was no way for the Court to duck the case, given the split decision in the appeals courts and the enormous stakes involved in the affair.

So the anomaly of its position only deepened the drama as eight of the nine Justices gathered to take up the appeals; the ninth, William O. Douglas, tuned in by telephone from his summer place in Gooseprairie, Wash., and later flew in for the climactic moments. The Court heard out the now thoroughly rehearsed arguments, then debated in private overnight how to proceed in the case. The surviving libertarian minority of four (Douglas, Hugo Black, William Brennan, Thurgood Marshall) all favored allowing the papers to go ahead immediately. But a majority of five, led by Chief Justice Warren Burger, restricted the Times and Post for the moment to publishing only



...al that wasn't on a growing govern-  
ment list of "dangerous" data (neither  
printed anything immediately) and  
scheduled the extraordinary Saturday  
hearing on the issues.

Damage: At the stroke of 11 next  
morning, the historic arguments began.  
For the government, Griswold, toggled in  
traditional morning coat, argued that pub-  
lishing the papers could do "extraordinari-  
ly serious" damage—that it might prolong  
the war and delay the release of the  
American prisoners of war in North Viet-  
nam. "The First Amendment," he said,  
"was not intended to make it impossible  
for the government to function or to pro-  
tect the security of the U.S." Griswold  
expanded the index of "dangerous" docu-  
ments, explaining to the Court that he  
had consulted the appropriate govern-  
ment people ("Tell me what are the  
worst—tell me what will make trouble")  
and had listed material they objected to  
in a separate, sealed brief.

There were moments of sharp ques-  
tioning from the bench. Justice Marshall  
asked Griswold testily if he meant to  
make the courts into "a censorship board."



Ellsberg on TV: Body count

Said Griswold: "I don't know what the  
alternative is." At that, Justice Black  
interjected tartly: "What about the  
First Amendment?"

The lawyers for the Times and the  
Post countered that the government sim-  
ply hadn't made a case strong enough to  
sustain suppressing a story before it ap-  
pears. They too were questioned sharp-  
ly; Justice Potter Stewart asked the  
Times's attorney, Yale law professor Al-  
exander Bickel, what he would say if  
publishing the papers might lead to the  
death of 100 American soldiers—would  
he accede to prior restraint then? Bickel  
hesitated for a moment, then allowed  
that he probably would. But both he and  
the Post's lawyer, William Glendon, said  
there was no such risk involved in the  
Pentagon papers. "All we ever heard,"  
Bickel told the Court, "is a statement of  
a feared event"—with no proof that pub-  
lishing the Pentagon history might bring  
it about.

Neither of the newspaper lawyers was  
questioned about the Viet-secret stories  
in other papers. But Griswold dismissed  
them at one point as consisting mainly  
of "widespread... nothing that had

not been printed before." They had, he  
said, been rushed into print on the  
spreading notion that "you're not a good  
newspaper unless you've got some of  
this stuff."

The Administration had long since  
been identified as the loser—and Mitch-  
ell, who had hitherto promoted Clement  
Haynsworth, G. Harold Carswell, the  
Chicago Seven prosecution and the May-  
day mass arrests, as the official goat.  
Mitchell had pushed a hard line starting  
early on—partly, as it developed, be-  
cause the National Security Agency let  
on that the Pentagon papers would re-  
veal its electronic eavesdropping activi-  
ties—and his advice was accepted by  
Mr. Nixon. But, once the dimensions of  
the political debacle became known,  
White House staffers moved to retrieve  
the image damage—and to dissociate the  
A.G. from the President. An ad hoc  
White House team implemented the  
new, conciliatory scenario, and the Pres-  
ident himself, in the process of offering  
the papers to Congress, made a point of  
telling Senate Majority Leader Mike  
Mansfield that he had been in favor of  
springing them earlier but that Mitchell  
had advised against it.

Whodunit: Whoever instigated it, the  
case of the U.S. vs. the Times et al. was  
clearly a bad idea. It had made the  
courts look feeble and the government  
foolish. It had irritated Congress and so  
fed the impulse to investigate the war;  
the villains in any such inquiry are likely  
to be mostly Democrats, but the strained  
atmosphere it generates can hardly help  
the last flickering support for the war.  
The adventure, in the end, hadn't even  
been good short-run politics. A Republi-  
can Party pro, who only days before had  
been exulting at the damage done the  
Democrats by the Vietnam disclosures,  
was asked in the wisecracked aftermath  
who had given Mr. Nixon his legal ad-  
vice. "Probably," came the sour reply,  
"Judge Carswell."

## The Spotlight Turns to the Kennedy Years

While the case of the Pentagon papers  
worked its way through the courts,  
more disclosures based on the secret  
documents and other sources hit page  
one last week. Much of the material  
concerned the role of the Kennedy Ad-  
ministration in the early phases of the  
war—especially the U.S. Government's  
complicity in the overthrow of South  
Vietnamese President Ngo Dinh Diem in  
November 1963, just three weeks before  
JFK's assassination.

As early as May 11, 1961, according  
to one report based on the Pentagon  
study, President Kennedy had approved  
secret guerrilla operations against the  
Communists in North Vietnam and Laos.  
Included were covert aerial missions over  
North Vietnam (ostensibly by civilian  
mercenaries) to provide supplies for  
agents and to drop propaganda leaflets.  
That same month, according to other  
government documents obtained by The  
Chicago Sun-Times, JFK dispatched Vice  
President Lyndon Johnson to Saigon to  
"encourage" Diem to request American  
ground troops (only about 1,000 U.S.  
servicemen were stationed there at the  
time). Diem opposed the idea largely  
on the ground that it would only make  
him more vulnerable to Communist  
charges that his regime was a front for  
neo-colonialist powers.

In October of that year, Gen. Maxwell  
Taylor, the President's special military  
adviser, recommended in an "eyes only  
for the President" cable that the U.S.  
send in 6,000 to 8,000 logistical troops



September 1963: JFK confers with General Taylor and McNamara



and describe them as "flood relief" forces. But in another cable, Taylor also warned that such a move would inevitably put America's prestige on the line. Taylor's messages, reprinted from the Pentagon study by The Boston Globe, conceded that such a strategy also might "increase tensions and risk escalation into a major war in Asia." Kennedy's immediate response was merely to order a modest increase in economic aid and military assistance—although he eventually boosted U.S. force levels in Vietnam to 16,000 men.

**'Get Out':** The Kennedy Administration had to bite the Vietnam bullet in mid-1963, when Washington was faced with the crisis of the Diem regime. Diem's increasingly repressive actions (conceived and executed by his brother Ngo Dinh Nhu) were thought by many high State Department experts to be disastrous to the war effort, although top Pentagon officials considered Diem essential to maintaining stability in Saigon. Drawing on the Pentagon war study and other sources, The Los Angeles Times provided the most detailed account of that period—beginning with the recommendation of veteran State Department analyst Paul H. Kattenburg that "it would be better for us to make the decision to get out honorably."

According to the report of a National Security Council meeting in August, Kattenburg also warned that it was the belief of Henry Cabot Lodge, newly named ambassador to Saigon, that "if we undertake to live with this repressive regime, with its bayonets at every street corner ... we are going to be thrown out of the country in six months." Another set of documents, referred to by Republican Rep. Paul McCloskey of California, repeated earlier reports that Attorney General Robert F. Kennedy had echoed Kattenburg's dovish stance. "Kennedy said if

we can't win with Diem and we can't win without him, then why don't we disengage?" McCloskey reported.

Secretary of State Dean Rusk, presiding over the NSC meeting in President Kennedy's absence, dismissed Kattenburg's thesis as "speculative" and declared: "It would be far better for us to start on the firm basis of two things—that we will not pull out of Vietnam until the war is won, and that we will not run a coup." Almost simultaneously, however, the Administration became involved in the extended maneuvering that resulted in the overthrow of Diem.

Ambassador Lodge arrived in Saigon on Aug. 22, just one day after the raids on Buddhist pagodas by special forces loyal to Nhu. Lodge, who came to favor Diem's ouster, was contacted immediately by a cabal of Vietnamese generals contemplating a possible military take-over, and he cabled Washington for instructions. In the absence of the highest officials, a controversial reply tantamount to a green light was dispatched by W. Averell Harriman, Under Secretary of State for Political Affairs, Roger Hillsman, Assistant Secretary for Far Eastern Affairs, and White House staffer Michael Forrestal.

Support: "U.S. Government cannot tolerate situation in which power lies in Nhu's hands," they cabled. "Diem must be given chance to rid himself of Nha and his coterie ... If, in spite of all your efforts, Diem remains obdurate and refuses, then we must face possibility that Diem himself cannot be preserved ... You may also tell appropriate military commanders we will give them direct support in any interim period ..."

Lodge's reply was even more pointed, stating that the chances of persuading Diem were "virtually nil" and proposing to bypass him to avoid giving any hint of the coup. "... We propose to go straight

to the generals ..." Lodge said. "Would tell them we prepared to have Diem without Nhu but it is, in effect, up to them whether to keep him."

The documents also made clear the extraordinary degree of bitterness that developed between Lodge and Gen. Paul Harkins, the American military commander in Saigon, who felt that a last-ditch effort should be made to bring Diem around. As it happened, the generals postponed their coup for two months. During that period, the Kennedy Administration made repeated efforts to get a better fix on the progress of the war. Although reports out of State were characteristically pessimistic, those out of the Pentagon were typically optimistic.

Plotting: Washington settled on a moderate policy of applying pressure on Diem to make reforms. But in October, the generals were plotting once again, and Lodge made a point of keeping reports of their progress from Harkins, whom they distrusted. When he finally learned of the plan, Harkins cabled another warning to his superiors: "I would suggest we not try to change horses too quickly ... After all, rightly or wrongly, we have backed Diem for eight long, hard years."

Worried officials in Washington cabled Lodge not to encourage the generals and to urge restraint, but the ambassador portrayed himself as powerless to intercede. At the end of October, the President's national-security adviser, McGeorge Bundy, sent another crucial advisory to the ambassador: "Once a coup under responsible leadership has begun, and within these restrictions, it is in the interest of the U.S. Government that it should succeed." One day later, preliminary moves by the plotters were completed; the next day the coup began.

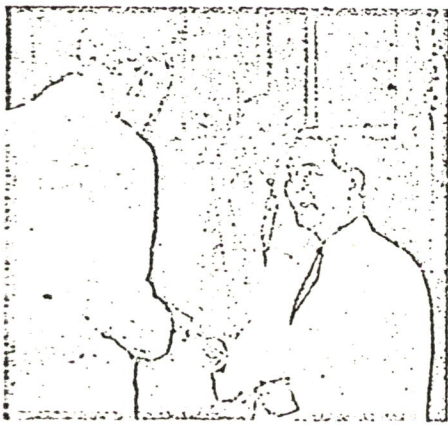
Lodge had a final, poignant telephone conversation with the beleaguered Diem

## President and Ambassador

The coup against South Vietnamese President Ngo Dinh Diem finally occurred on Nov. 1, 1963, and at 4:30 that afternoon, Diem had his last conversation with an American official—a frantic telephone call to U.S. Ambassador Henry Cabot Lodge, who had known of the plot for some time. Under instructions from Washington, Lodge was vague and remote. An excerpt from the transcript:

**DIEM:** Some units have made a rebellion and I want to know what is the attitude of the U.S.

**LODGE:** I do not feel well enough informed to be able to tell you. I have heard the shooting, but I am not acquainted with all the facts. It is 4:30 a.m. in Washington and the U.S.



Diem greets Lodge before the coup

Government cannot possibly have a view.

**DIEM:** But you must have some general ideas. After all, I am a Chief

of State. I have tried to do my duty. I want to do now what duty and good sense require. I believe in duty above all.

**LODGE:** You have certainly done your duty. As I told you only this morning, I admire your courage and your great contributions to your country. No one can take away from you the credit for all you have done. Now I am worried about your physical safety. I have a report that those in charge of the current activity offer you and your brother safe conduct out of the country if you resign. Have you heard this?

**DIEM:** No. [Then a pause.] You have my telephone number.

**LODGE:** Yes. If I can do anything for your physical safety, please call me.

**DIEM:** I am trying to re-establish order.



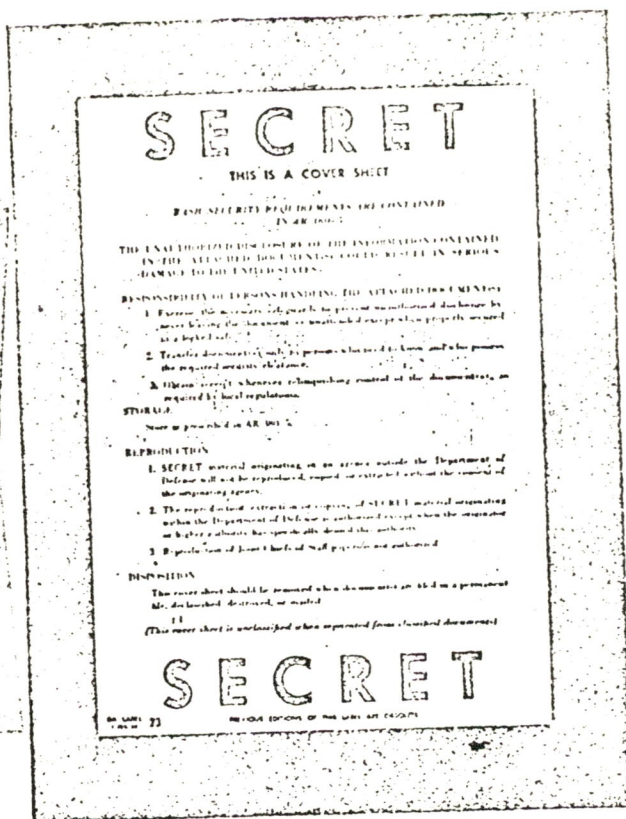
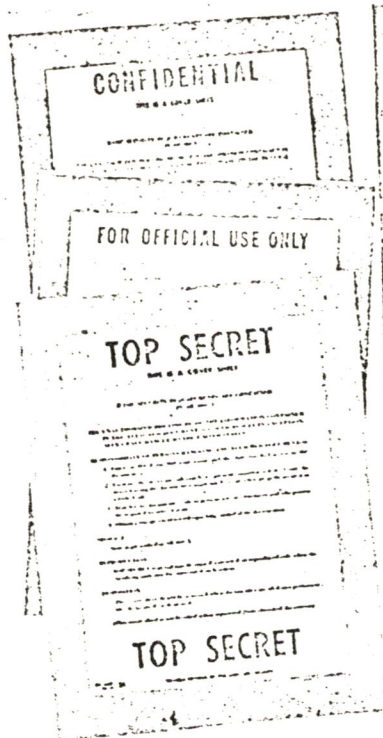
on Nov. 1 in which he offered no help and little information except that Diem and Nhu would reportedly be allowed to leave Vietnam. "Apparently," says the Pentagon study, "we had put full confidence in the coup committee's offers of safe conduct to the brothers." But both men were slain the next day. The shake-up in Saigon revealed for the first time how misleading earlier government reporting on the war had been.

**Backfire:** But Washington had a tendency to ignore even its own best information. CIA estimates of inherent Viet Cong strength in the south were largely dismissed. According to documents obtained by the Sun-Times, computer war gaming early in 1961 indicated that massive bombing of the north would backfire, strengthening the Communists. But President Johnson went ahead with such bombing in March 1965 under the code name "Rolling Thunder." In April, the paper reported, the U.S. command concluded that the bombing could not be decisive, but it was continued nonetheless.

By the summer of 1966, however, the Pentagon study shows that a ferocious struggle over bombing strategy had developed within the Administration. Even Defense Secretary Robert McNamara, who had endorsed all the prior escalations, began siding with many of his civilian aides and some CIA officials against the generals and admirals who were still calling for more of the same. In a memorandum dated Oct. 14, after a gloomy inspection tour of Vietnam, the Defense Secretary recommended that the U.S. level off its bombing effort and seek "other means of achieving our objectives," according to the Pentagon analyst. Among these, the Knight Newspapers reported, was a diplomatic approach and McNamara's short-lived, sci-fi proposal for an electronic wall between the two Vietnams. Gen. Earle G. Wheeler, chairman of the Joint Chiefs of Staff, later compared McNamara's ideas to an "aerial Dien Bien Phu."

**No Formula:** McNamara's memo to President Johnson also bemoaned a lack of progress toward "pacification" in South Vietnam some eighteen months after that program had begun. "Pacification has, if anything, gone backward," he said, according to another report on the Pentagon study in The St. Louis Post-Dispatch. "This important war must be fought and won by the Vietnamese themselves. We have known this from the beginning. But the discouraging truth is that, as was the case in 1961 and 1963 and 1965, we have not found the formula, the catalyst for training and inspiring them into effective action."

In March 1968, of course, President Johnson decided to halt the massive bombing along with his own campaign for re-election. More than that, LBJ also quietly initiated a policy of increased responsibility for the South Vietnamese armed forces—a concept that Richard Nixon was to call "Vietnamization" and claim as his own the following year.



Cover sheets for classified documents: Also triple-locked safes

## GENDIS: Burn Before Reading

In the Defense Department alone, 803 officials have the right to stamp a document TOP SECRET. There are 7,687 officials who can use the SECRET label and 31,048 who are authorized to mark a paper CONFIDENTIAL. The papers classified by these and other "originators" fill 6 million cubic feet of file cabinets.

Several years ago, a military analyst wrote an article and routinely submitted it for a security check. The reviewing officer stamped the paper SECRET and locked it in his safe. When the author asked for his manuscript, the reviewer refused to give it back to him, on the ground that the writer did not have a secret clearance.

"Walt Rostow," a Washington journalist recalled last week, "used to call in a reporter and say, 'President Johnson wants you to see this.' Then he would give the visitor a quick look at a top-secret document. It might be a high-level intelligence estimate or a late report from Vietnam on enemy infiltration."

The furor over the publication of the Pentagon's Vietnam study has called into question the entire concept of official secrecy. For although the U.S. Government has literally millions of classified documents squirreled away in triple-locked safes and cabinets, it is becoming apparent that only a tiny percentage of them are really vital to national security. And despite the fantastically elaborate

system that has been set up to keep secrets secret, it is common knowledge in Washington that Administration officials, congressmen and military officers often leak classified material to the press whenever it suits their purposes.

In theory, the regulations governing classified documents are simple and reasonable. Attempting to prevent indiscriminate classification, President Eisenhower ruled in 1953 that official secrecy should extend only to defense matters, and he provided for three levels of classification—top secret, secret and confidential—ranked according to the degree of harm that would be done to national security by improper disclosure of the information. The classification is made by the official who originates the document, and the material is then distributed to other officials on a "need to know" basis.

Logical as it may sound, in practice the system has attained a level of complexity that boggles even the bureaucratic mind. The White House, the State Department and Defense have given classification rights to tens of thousands of officials, and even the heads of such agencies as the Interior Department and the Small Business Administration have the right to put their papers under wraps. Once a document is classified, it receives a distribution code, indicating the number of people who can read it. The label runs ONLY limits the document to one person, typically top executives. Other codes include DENNIS (general distribution), NO FORN (no distribution to foreign coun-



ies) and **LIMITS** (limited distribution). There is even a **SECRET**. Also, the government uses "derivative" and "association" classifications, which cover information that is not secret in itself but is somehow related to secret material. This means, for example, that a newspaper story that has already been read by millions of people can end up bearing the stamp **TOP SECRET**.

The stamps and codes are accompanied by a host of security precautions. At the Pentagon, the typewriter ribbons that are used in preparing secret documents are locked in a safe after working hours until they have been used four times and the impressions on them are illegible. On matters of surpassing importance, the ribbons are burned after one use. At the White House, there is only one kind of trash: classified. Every scrap of wastepaper from every office in the building is burned daily, and just to make

erations and Government Information, 60-year-old William G. Florence, a retired Air Force expert on classified information, estimated that the Department of Defense alone has at least 20 million classified documents on file. He added that "the disclosure of information in at least 99 per cent of those classified documents could not be prejudicial to the defense interests of the nation." And he contended that the practice of needless classification costs the taxpayers \$50 million a year.

Note: Florence recalled that one Pentagon bureau employed a warning: "Although material in this publication is unclassified, it is assigned an over-all classification of confidential." And he revealed that some time ago, the chief of one of the armed services had written a note to his colleagues suggesting that too many papers were being marked **TOP SECRET**; he recommended that use of the

policy by sending up a "trial balloon." Whatever the motive, the security leak is as much a fixture of the Washington scene as champagne at a diplomatic reception. One fairly typical episode was disclosed last week in an affidavit submitted to the Federal District Court in Washington by Washington Post reporter Murrey Marder. In 1965, Marder related, the Johnson Administration offered him secret cables to support its claim that U.S. troops had intervened in the Dominican Republic in order to "save American lives." Subsequently, however, other sources showed Marder earlier cable traffic which, he said, "centered on landing U.S. troops for a different priority purpose: to respond to the embassy's fear of a Communist takeover."

Perhaps the most enthusiastic purveyor of secrets in recent years was Lyndon B. Johnson. The former President loved to tantalize reporters by waving top-secret documents under their noses, then snatching them away before newsmen could read more than a few words. But Mr. Johnson was also the victim of leaks by dovish officials within his own Administration. In early 1968, one of these officials passed word to the press that the Joint Chiefs of Staff had recommended the deployment of another 206,000 American troops to South Vietnam. The resulting uproar may have helped to thwart any further escalation, and LBJ has said privately that this leak caused him more trouble than any single news story printed during his Presidency.

Declassify: The only alternative to the security leak is declassification of secret documents, a process that is, at best, uncertain and time-consuming. Under existing procedures, some documents are automatically declassified after twelve years, but many other papers can be released to the public only after a painstaking review. Often sheer inertia wins out. "If we tried to maintain an orderly process of declassification," argues a State Department official, "we would have to double our personnel."

Earlier this year, the White House disclosed last week, President Nixon ordered government agencies to study the current classification system with a view to making more information public.

For the time being, at least, the security leak seems to be here to stay. And until the whole system of official secrecy is overhauled, many reporters and bureaucrats alike feel that the leak is a necessary evil. "Without the use of 'secrets,'" New York Times Washington bureau chief Max Frankel said in another court affidavit a fortnight ago, "there could be no adequate diplomatic, military and political reporting ... and there could be no mature system of communication between the government and the people." That is probably true. But it is an ironic comment on the U.S. security system if the only way to keep the American people informed is to violate some of the regulations set up to insure their security.



Wally McNamee—Newsweek

#### Pentagon disposal system: After shredding, secrets mashed into pulp

sure that nothing slips past, some offices are equipped with mechanical paper shredders.

Other precautions rely on electronic wizardry. In transmitting its secret documents by radio or cable, the government uses computerized coding equipment that "sanitizes" the message so thoroughly that even if an enemy acquires a verbatim, decoded transcript, he still cannot break the code. (Between February 1946 and May 1960, however, the government used less sophisticated cryptographic devices. If they are printed verbatim, documents from that period might give away secret codes, reports Newsweek's Lloyd Norman, and that is presumably one rationale for the Nixon Administration's attempts to block publication of the Pentagon study.)

In principle, none of these safeguards seems to be unimpaired. The problem is that they are applied to so many documents. In hearings last week before the House Subcommittee on Foreign Op-

label be reduced. The note itself was marked **TOP SECRET**. "Putting 'top secret' on a document, to some, is like putting a period at the end of a sentence," Florence declared.

If overclassification has become a way of life in the government, one reason may be the inbred caution of most officials. "An ambassador, for example, has to make his own decision on how to label a document," says a State Department security officer. "We try to keep them from making ridiculous mistakes, and the result is more overclassification than underclassification. And frankly, we prefer it that way." Frequently pride of authorship also enters into the decision. "The best way to have something ignored," remarks one White House aide, "is to stamp it 'routine'."

Plainly, there are many reasons for government officials to leak secrets to the press: to argue for or against a policy, to embarrass an intramural opponent or to test public reaction to a proposed



5 JUL 1971

# Ellsberg: The Battle Over the Right to Know

**CURTIVE** nocturnal phone calls from strangers offering secret documents. Eager editors excitedly following terse instructions to pick up bags containing thousands of photocopied pages. Nimble newsmen frantically rushing exclusive disclosures into print. Harassed Government attorneys chasing into court to enjoin one series of revelations, only to see another break out elsewhere. A bemused federal judge wondering if the Justice Department might not be swatting flies at "a swarm of bees."

As the affair of the Pentagon papers went into its second incredible week, antiwar partisans seemed to be manipulating basic U.S. institutions—the press, Government, and even, in a sense, the courts—to stage-manage a dramatic presentation of their views far beyond the wildest dreams of the most zealous campus radicals. It was surely the slickest counter-establishment insurgency of recent times. The climax was the sudden appearance on national television of the man who started it all. There was Daniel Ellsberg, once the gifted and aggressive war planner, speaking softly but leveling the harsh charge that Americans bear the major responsibility for as many as 2,000,000 deaths in 25 years of warfare in Indochina.

Within a few days, Ellsberg technically became a fugitive when a U.S. magistrate in Los Angeles issued a warrant for his arrest on a charge of illegal possession of secret documents and failure to return them to proper custody. A grand jury in Los Angeles had been quizzing Ellsberg's associates at the Rand Corp. in Santa Monica, Calif., where he had worked and where a full set of the secret volumes had been kept. At a press conference, Ellsberg's attorneys said he would voluntarily surrender this week. The Government also sought a warrant against a former Rand employee, Anthony J. Russo, for refusing to testify before the grand jury.

## Guidance from the Senate

Ellsberg's passing of most of a 47-volume secret Pentagon study of U.S. involvement in the Viet Nam War to the New York Times had swiftly built into a classic battle over the public right to know. The issue was seen as security v. freedom; the antagonists were major newspapers and the Nixon Administration; the argument went on over the rights of Government to keep some of its activities secret in the national interest, and of the press to keep a democratic society informed of what its officials have done. Reacting with unusual speed because of the gravity of the issues—and apparently also because

complex—the Supreme Court held a rare Saturday hearing and a decision was imminent (see following story).

The court's decision may prove historic, but it is unlikely to diminish the continuing controversy. For the first time, countless citizens were confronting questions that had never bothered them before. Precisely what should be kept secret? Who should decide? When should secrecy end? Forced onto the defensive, President Nixon ordered all of the documents delivered to the Congress but with secrecy labels still in effect. Congressional leaders promised multiple investigations into what the documents reveal about past U.S. war plans and how the many futile decisions were reached. Reflecting what seems to be nearly the end of public tolerance of the war, a majority of U.S. Senators urged the President to withdraw all U.S. troops from Indochina within nine months, subject only to release of U.S. prisoners of war. The Senate had rejected all previous attempts to influence Nixon's pace of disengagement.

At a more immediate and less lofty level, the affair raised other intriguing questions. Among them:

**HOW WAS THE RELEASE OF THE PAPERS ORCHESTRATED?** They were not handed from one editor to another in collusion to keep a step ahead of the Government bans. Nor could a single man, even the brilliant and dedicated Ellsberg, be handling the entire distribution. It seemed likely that Ellsberg was getting help from the activist antiwar left, possibly the same skillful underground operators that fed FBI records stolen from Media, Pa., to selected newspapers. The orchestration of the latest delivery was highly sophisticated. The Pentagon papers first appeared in the Times and the Washington Post, the two newspapers most regularly read in the capital. They emerged in the Boston Globe in the heart of the Cambridge intellectual community. Also favored were the Los Angeles Times, which is powerful in the West and runs a news service with more than 200 U.S. newspaper clients, and the eleven-newspaper Knight chain. The St. Louis Post-Dispatch and Chicago Sun-Times also met the same obvious criteria: a strong antiwar editorial record.

**HOW DID THE DELIVERY SYSTEM WORK?** A top editor at the Knight newspapers received a call from a man who admitted he was using a pseudonym. Was the Knight chain interested in the papers? Then it would have to agree that it would protect them against Government seizure. The editor consented and told his Washington bureau chief, not to expect a long distance

continued



call. The stranger telephoned Boyd several times, each time offering a hint as to where the secret documents might be found. "It was like a treasure hunt," explained one editor.

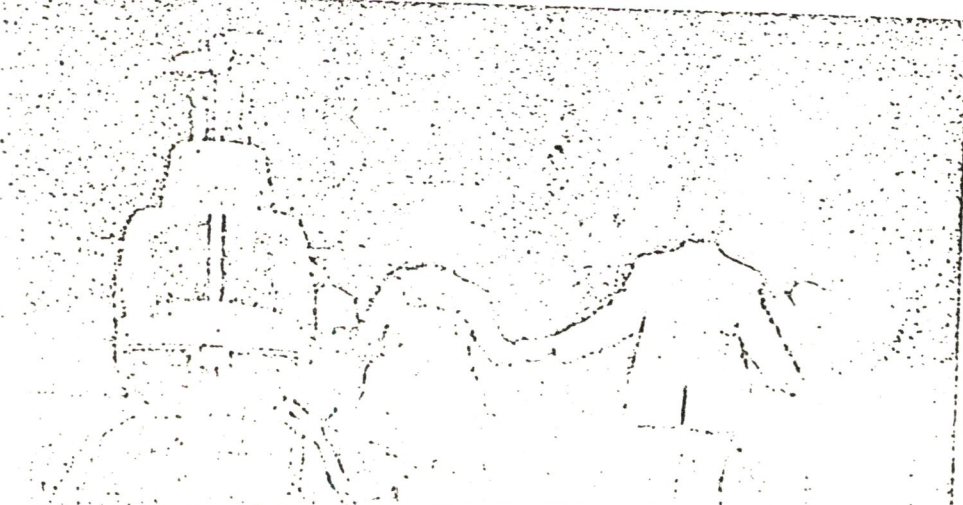
Boyd finally was led to a point outside Washington (he will not say where). There he found some 1,000 pages of the Pentagon report. The Knight package consisted of an orderly presentation with occasional marginal notes like "Wow!" inked beside some Pentagon statements. On most pages, a slip of paper had been placed over the secrecy classification when the photocopy was made, blanking it out. But on a dozen pages Knight newsmen found the words **TOP SECRET—SENSITIVE**. At the *Boston Globe*, the pickup arrangements sounded so melodramatic that editors suspected a hoax. But they went along and received a bag containing 2,000 pages.

**HOW DID ELLSBERG OBTAIN THE PAPERS?** Ellsberg had worked on the Pentagon study in 1967 and was one of four defense analysts at the elite Rand Corp. research institute granted access to the full report kept there. Although Rand officials insist that their security is tighter than the Pentagon's, no daily check of

DAN, LOUIS MARX & PATRICIA AT WEDDING



THE NEWLYWEDS DASHING TO THEIR HONEYMOON HELICOPTER



employee briefcases was made. Ellsberg apparently began taking papers out of Rand beginning late in 1969.

Ellsberg rented a Xerox copier part time for about four months from a friend, Lynda R. Sinay, 27, who ran a Los Angeles advertising agency that was slipping into bankruptcy. Granted immunity from prosecution, she told the grand jury that Ellsberg made about 3,000 copies from her machine, working in her offices at night when no employees were there. He paid her \$150. Ellsberg even enlisted the help of his two children, Robert, now 14, and Mary, 12, in the arduous copying task. When Ellsberg joined M.I.T. as a senior research associate in 1970, he transported the copied documents to Cambridge with him. It is known that New York Times Reporter Neil Sheehan traveled to Boston in March, 1971, shortly before the *Times* began working on its series.

#### Learning International Chess

One fundamental question bothers many Americans. Just who is this man Ellsberg, a distinctly minor figure who dares to challenge four Presidents, assails the decisions of some of the keenest minds ever to have been attracted to national security service, and scatters classified documents like chain letters across the country? If he were merely an emotional and impulsive man obsessed by guilt about his personal involvement in a war that turned sour, Daniel Ellsberg's conduct could be dismissed as outrageous. Yet Ellsberg does not stand alone. He was one of—and represents—an exceptional class of bright scholars who charged out of the nation's best universities in the '60s to apply mathematics and precise analysis to the waging of war. These defense intellectuals doubted neither the aims of U.S. policy nor their own capacity to find the means. While they would hardly use the term, they were patriots.

To be sure, there was a heady feeling of power for young men in dealing with the fate of the nation and jousting with generals. There was a certain selfishness in seeking a career as an "inner-

and-outer," spending a few years in the thick of the Washington bureaucracy to establish can-do credentials for an enhanced reflective life back out on campus. There was also the thrill of the game, outwitting colleagues as well as Communists. Moscow and Hanoi were opponents to be taken or checkmated on the international chess board. The deployment of power was fun. War, really, was academic.

At one level, the Bundys, McNamaras, McNaughtons, Yarmolinskys, Hilsmans and Rostows enjoyed the sophisticated cocktail parties and the company of Kennedys. They aimed witty dinnertime barbs at 30-year officers who would never understand the intricacies of counter-guerrilla warfare. The more junior Ellsbergs were jockeying to break into that inner circle, while enjoying the kick of being so close.

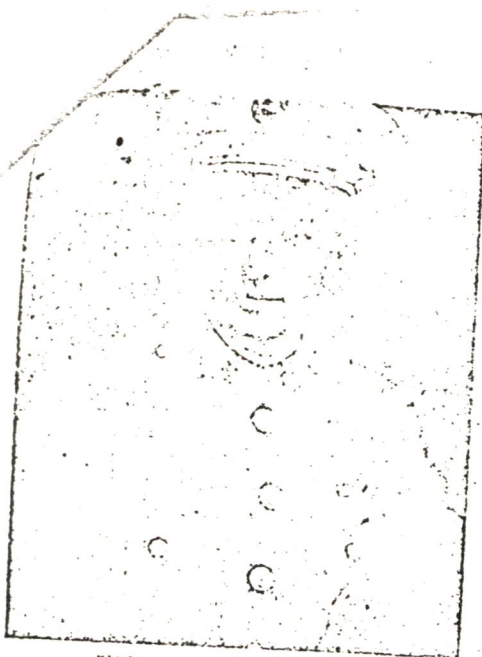
Yet those paper theories of outwitting Hanoi and outfoxing guerrillas did not work. Nor did sustained bombing or half a million U.S. troops. When some of the frustrated technocrats visited Viet Nam to see what had gone wrong, they discovered that those body counts meant people were dying, the game was bloody, there was much misery and no glory. U.S. intervention in Viet Nam had once seemed necessary and reasonable, the sort of thing a just power must sometimes do in an imperfect world. But now they began to wonder whether the price, for anyone or any side, was worth it. Was the U.S. really accomplishing anything? Above all, after Tet in 1968 and America's growing sense of failure, they began to discuss a mushy and unfamiliar concept among war planners: morality. Such was Daniel Ellsberg's private evolution.

#### A Reasoned Conversion

In a broader sense, Ellsberg's turnabout from confident hawk to disillusioned dove parallels the Viet Nam sentiments of millions of Americans. That sure feeling of the early '60s that a quick application of U.S. manpower and machines would speedily hurl back the insurgent Communists and assure survival of an independent South Viet Nam faded years ago. The stalemate and suffering, My Lai and drugs, now make it all seem disastrous to many. If all the plans had worked, of course, there would have been no Pentagon paper revelations, no Ellsberg on TV, little talk about the immorality of the war. The current U.S. agony is real but retrospective, a legacy of failure, of the cumulative agony of America's longest war.

Ellsberg is too complex a man to fit neatly any mold, even that of the insulated academic, so shocked at his first sight of a combat-torn body that he denounced war. Ellsberg's conversion was much more gradual, although, as with nearly everything he has done, once he had a chance of what he





ELLSBERG AS MARINE (1954)  
A prophecy of mounting stress.

he first saw combat in Viet Nam as a civilian pacification specialist, in fact, Ellsberg seemed to enjoy the experience. A reporter recalls hearing loud shouts as a U.S. infantry company operated near Rach Thien in 1966. "There was Ellsberg, dressed in fatigues and jungle boots, telling the infantrymen to get off their goddamned asses, to get on the offensive and stay on the offensive. He carried a submachine gun and was practically taking over the company."

Last May, Ellsberg appeared at a Washington antiwar rally. He berated a group of demonstrators for their lack of zeal and promptly took charge. "I tried to get arrested," he explained later, "but I guess I didn't look young enough." Boston police had no such qualms. One officer clubbed Ellsberg at a Mayday protest at Government Center. Bellicose or pacific, Ellsberg sought the center of the action.

Brainy but no introvert, bookish but also athletic, Ellsberg graduated first in his class from Michigan's Cranbrook prep school, where he also captained the basketball team. Practicing piano eight to ten hours a day, he was well advanced toward a possible concert career at 15 when his music-minded mother died in an auto accident. He found one consoling thought: "Now I don't have to play the piano again." He rarely did until years later.

#### Life at the Rand Corp.

At Harvard, which he attended on a Pepsi-Cola scholarship, Ellsberg similarly spread his talents broadly. He debated, edited the campus literary magazine, wrote editorials for the daily *Crimson*, was elected to Phi Beta Kappa, and married a Radcliffe sophomore. He continued to scamper effortlessly up the academic ladder: graduate study at King's College in England, a master's degree in economics from Harvard, then Ph.D. based on a prophetic thesis in deontology, *Right, Ambiguity and Decision: The Moral and Political Dimensions of the Vietnam War*. "He talked about it all the time. It fascinated him."

## The Rules of the Game

ONE obvious lesson of the Pentagon papers is that bureaucracies do not always function as they are supposed to, especially in their primary role of advising the President. Less apparent are the reasons why. Leslie Gelb, 34, and Morton Halperin, 33, both middle-ranking officials in the Pentagon under Robert McNamara, played key roles in the preparation of the Viet Nam study, and are currently at work on books. Working separately, the two arrived at similar conclusions on bureaucratic breakdowns. Part of the answer, they suggest, lies in the "rules of the game" by which all Washington bureaucrats traditionally play. Some of these rules, and their gloss:

### RULE ONE: YOU DO NOT RESIGN

"You don't resign, you don't carry your case to the public," says Gelb. "Lower level people in Washington see themselves as understudies. Each is trying to learn the part he hopes to play next, even though he knows that the odds are very much against his getting that future role. It is not really necessary to quit, go public and release classified documents to make your case. Would George Ball have needed to do that? No. His departure in itself would have had enormous impact. If you read his words literally, he felt very strongly. But he didn't take the next step."

Halperin agrees, noting that "there is nobody who fits the following criterion: a full-time employee of the U.S. Government who worked on Viet Nam and who resigned and publicly stated that he was doing so because he disagreed with our policy there. There isn't even anyone who fits most of it."

Halperin gives four reasons why this is so: "First, you can always tell yourself you can do more by staying. This is defensible. Often you can. Second is the perception that nobody will care. This is partly because nobody has ever done it and made a difference. Third, it seems a betrayal of your boss. Finally, it's not how a gentleman plays the game."

### RULE TWO: ALL POWER TO THE CONSENSUS

"If you disagree with the bureaucracy's shared images," says Halperin, "you must hide it, or no one will take you seriously on particular policy issues. If you say Viet Nam does not matter, you cannot have a credible opinion about strategy or tactics. Ball endorsed one of the proposals to begin the bombing since he thought that rejecting it entirely would make him appear so opposed to the whole effort to

one would ever take him seriously. "The fact that Johnson wanted a consensus meant two things: great pressure for everyone to agree in order to please him; compromise proposals without priorities. The decision process was largely an effort to find a common denominator everyone could live with rather than the shaping of real recommendations."

Reasons Gelb: "Whoever plays the game within the consensus can get his little piece of the pie. Those who wanted a serious negotiating effort got a bombing pause and sometimes changes in position. Those who wanted more bombing got that. But a lot of these things are contradictory. Why does everybody get his slice? One, because the guy who is handling a piece of the action is thought to know best. Two, because this is the way to preserve the consensus, and that is the *summum bonum*."

### RULE THREE: ARGUE TO CONVINCE, NOT TO BE CANDID

"This is basic," says Halperin. "The bureaucrat tries to persuade his superior, ultimately the President, not to set forth why he believes what he does. It is wrong to read real beliefs into many of the arguments in these memos. They were often believed neither by the person doing the writing nor by the readers. One reason some of them read so uniformly is the tendency to get together on policy rationales, lest differences make the President unwilling to act."

"Tables should be pounded on many more occasions," Gelb adds, "but the Viet Nam papers came as no special revelation to those with experience in Government."

### RULE FOUR: NEVER MENTION DOMESTIC POLITICS

Why were domestic politics not discussed in these papers? asks Halperin. His answer: "Because of the widespread perception that it would be immoral. Foreign policy matters should not be decided on the basis of domestic politics. This is related to the fact that Government communications are written on one of three levels: those formal papers that everyone in Government above certain levels will see; those circulated somewhat less widely; those written only for a boss or a friendly associate. Everyone assumes that everything but the third category will come out publicly. No one wants to appear to have been thinking about politics. It is a basically unspoken perception, but one everyone seems very happy with. As a Frenchman once



by four years of service shortly after the Korean War. He was described by a fellow Marine as a "tough, hard-nosed hatchet man." When the Suez crisis was hot, Ellsberg, then a captain, voluntarily extended his tour of duty. Again, the potential action beckoned.

From Harvard, Ellsberg moved to the Rand "think tank," where his expertise in probability theory, particularly as applied to war analysis, was much in demand. Much of Rand's reputation rested on its studies for the Defense Department on such harsh possibilities as various kinds of nuclear threat, strikes and counterstrikes, including calculations of projected casualties. Although he was almost always tardy in getting reports written—he suffers from habitual writing blocks—his love and grasp of the subject quickly impressed Rand President Henry Rowan. "Dan was an ear whisperer," recalls one Rand colleague. He would rather talk than write, which is something of a handicap in most bureaucracies. When the Pentagon's Assistant Secretary of Defense John McNaughton, an expert on nuclear test bans, needed an assistant in 1964, Ellsberg landed the job. Now he was on the inside of U.S. strategic studies—and a most contented man. He was so engrossed in his work that he was surprised and shaken when his wife Carol sued for divorce later that year (last week she gave the Government an affidavit linking him to the possession of the secret papers). With his neglected marriage broken, he seemed to be re-examining his whole life, which had centered on a successful but conventional career. He still did not question U.S. aims in South Viet Nam, but he was concerned about the lack of success and wanted to view the problems in the field. Major General Edward Lansdale, recruiting more help for his highly independent intelligence operations, yielded to Ellsberg's pleas to be allowed to join him in Viet Nam.

#### Letting Go in Malibu

Lansdale at first found Ellsberg so eager to expound theories while they traveled dangerous roads that he had to warn him to watch for ambushes. Yet Lansdale was struck by Ellsberg's "sensitive perceptions" and "probing analysis," even amid Saigon's intrigues. He became an expert on Saigon's complex political rivalries. Despite his occasional displays of bravado, Ellsberg began to worry about himself... Ellsberg. He was later to tell a U.S. Congressional conference about flying over a "free-fire zone" with a U.S. pilot who trig-

## Meet Dean Rusk, Early Dove

ONE of the most intriguing Viet Nam documents is an as-yet unpublished cable that analysts working on the Pentagon papers studied with fascination. It was sent to President John F. Kennedy in 1961 in response to a proposal from General Maxwell Taylor that the U.S. dispatch 8,000 troops to Viet Nam, ostensibly to work on flood relief. Taylor's recommendation included using the troops to commit American prestige in Viet Nam, to shore up morale and provide a back-up for the South Vietnamese army and to serve as an advance force for a wider American involvement. The cable argued

of the cable, but "I might well have written it."

Rusk continued: "In 1961 we were in the middle of the negotiations on Laos. Our hope then, especially after the apparent agreement Kennedy had with Khrushchev in Vienna, was that everyone would get out of Laos, a major step toward peace in Southeast Asia. So I was very reluctant at that period to see us go gung-ho in the area until we saw how that worked out." Moreover, Rusk said, the level of infiltration was "still very low," and the Berlin crisis made "a number of us reluctant to make additional commitments in South Viet Nam during that episode."

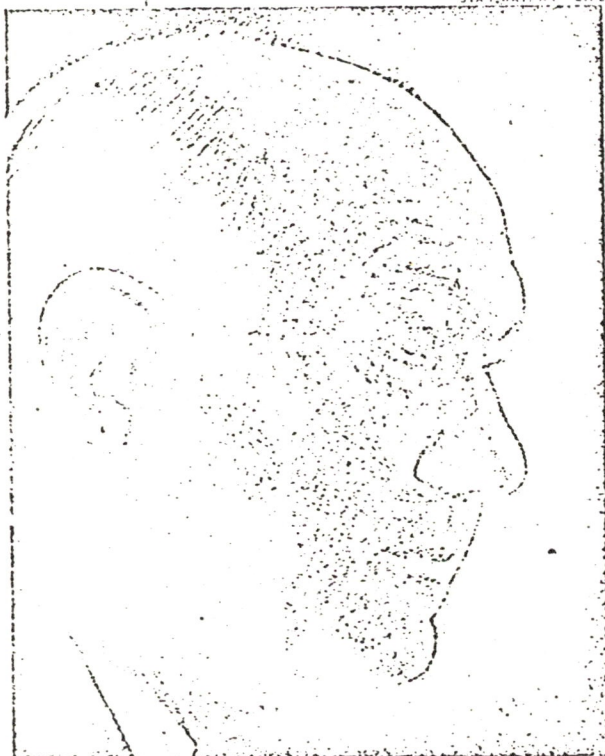
Commenting publicly for the first time on the Pentagon papers, Rusk observed, "I never saw or heard of the study until I read about it in the New York Times. I don't know the analysts or how they did their writing. I'm amused at some things, a little irritated at others."

On withdrawal: "Throughout this business, up until the day we left office, President Johnson and myself were not unaware of the fact that one of the alternatives was to get out of there. We're not village idiots."

On the effects of the papers on Government officials: "If the courts hold that this kind of material can be taken out of Government on this basis and made public, it will bring about major changes in the conduct of Government. My habit was that I did not go around writing a lot of memoranda. I've been in Government long enough to know it is not a good idea to spread papers all over the landscape. People will just find other ways to proceed. It will be a little less convenient and future historians will pay some cost."

On Daniel Ellsberg: "I never heard of the fellow myself. I would not know Tim Hoopes [Townsend Hoopes, former Pentagon official who criticized Rusk in *The Limits of Intervention*] if he walked into the room this minute. Some of these fellows putting thoughts into our minds were never informed about what was actually in our minds."

\* Some Rusk associates espouse a third theory. Caught in the McCarthy whirlwind following the fall of China and the Korean War, Rusk came to share with his contemporaries at the State Department a deep distaste for Asian ground wars. The apparent contradiction between his early reservations and his later unwavering support of the war, former officials suspect, can be traced to Rusk's belief that once the U.S. was committed to Viet Nam, it should not withdraw until prevention of a Communist takeover was ensured.



DEAN RUSK

against the recommendations, reasoning that the U.S. could still walk away from Viet Nam at this early stage, but should Taylor's proposals be carried out, Washington would be forced to see its commitments through. Such a course, the cable writer warned, would turn a guerrilla struggle into a full-scale war.

The surprising author of that cable was former Secretary of State Dean Rusk, the same Rusk of the hawkish eyeball that never blinked, the Buddha whose monotonously repeated mantra of justification seemingly never changed through the years of escalation. Contrary to his historic image, did he oppose the first leap in the endless spiral into Indochina? In a 1961 interview from his home in Athens, Ga., Rusk broke his long silence. He told TIME Correspondent Jess Cook that he had "no present recollection"



on the ground. "This game goes on day in almost every province of Viet Nam," Ellsberg complained. "I am sure the Viet Cong will come out of this war with great pride in the fact that they destroyed American machines and survived. I came out of that plane with a strong sense of unease."

Ellsberg's feelings were also indicated by a combat photograph he took, which seemed to capitalize the individual GI's frustration and anger at the war's futility. A lieutenant had watched his battalion hit by unseen snipers in the Mekong Delta for ten days without killing a single enemy in retaliation. The unit came upon an empty house and radioed for permission to destroy it; the request was denied. Ellsberg's picture shows the officer senselessly bayoneting a canteen in sheer fury.

Hospitalized with hepatitis, Ellsberg began to read more books about the long history of warfare in Indochina. He recuperated back in California, where he rejoined Rand and turned to a livelier life: a succession of dazzling girls, a red sports car and a share in a ramshackle Malibu Beach house. He flooded the place with psychedelic lighting to the point where police raided what they thought was a noisy pot party, only to find a number of tipsy Rand analysts dancing to rock music. He lived with a Swedish secretary before marrying Patricia Marx, who had been regularly dating New York Theater Critic John Simon.

#### Fears of a Replay

Friends say Dan and Patricia dove happily into most everything California offers: uninhibited couples, including group-encounter sessions, Yoga, Buddhist self-improvement sects and nudism. They backpacked into mountains, and Dan enjoyed climbing with his son Robert. His husband and wife so loved the sea that even when they were a continent apart Dan would hold the telephone outside his window so Patricia could hear the Malibu breakers. Dan, who neither smokes nor drinks, also underwent psychiatric analysis, later told friends it was a turning point of his life.

After the Communist Tet offensive of 1968, Ellsberg began to despair of U.S. success in the war and to review more introspectively his own involvement in the previous planning. He had by then spent about eight months on the Pentagon study ordered by McNamara and written a draft of one volume. That, too, seemed to disturb him deeply. A friend recalls first meeting Ellsberg at a Santa Monica restaurant and Ellsberg's terse answers to his conversational questions: "What do you do?" "I work." "What kind of work do you do?" "I think." "What do you think about?" "Viet Nam." "What do you think about Viet Nam?" "How in God's name are we going to get out of there?"

But Ellsberg was thinking much more than that about Viet Nam as he began to harangue friends about the immorality

of the U.S. presence in Indochina. He felt that the clock was running out. A close friend is convinced that Ellsberg's age had much to do with the timing of his exploit: "He was worried about having turned 40 without having done anything big. He was just busting to do something."

In his television interview last week Ellsberg said he could think of only one U.S. hero in the war: Sergeant Michael Bernhardt, who reportedly refused to shoot civilians at My Lai. He claimed that release of the papers was timely because he fears that Nixon may be planning "a replay of 1964," meaning major bombing strikes against North Viet Nam after next year's election. Ellsberg contends that Johnson planned such attacks before the 1964 election.

Ellsberg's views on the war were best



LYNDA SINAY



ANTHONY RUSSO

And the children helped out too.

detailed in one of the few articles he has managed to complete (he has been pecking out a Viet Nam book for nearly a year), a March essay in *The New York Review of Books*. In it Ellsberg predicts that Nixon will increase bombing as more U.S. troops withdraw, to protect those that remain and also to prevent the collapse of the Saigon government until a politically acceptable interval passes. His thesis is that only heavy bombing can cover the U.S. withdrawal, that it is a necessary condition of exit. As a result, he says, more Asians will die or be made refugees.

What Ellsberg claims has been a U.S. callousness toward Vietnamese deaths and a preoccupation with lowering its own casualties to an acceptable level has been a recurrent theme of his criticism. Last January he turned an easygoing Cambridge conference into an electric moment of confrontation when he rose from the floor to ask Henry Kissinger if the Government did not have

any estimates of Vietnamese casualties under Nixon's Vietnamization program. Kissinger hesitated, called it a "cleverly worded" question. But did he have an answer? Kissinger evaded and called the question "racist."

#### Attack and Defense

Discussing at a party one night how differently the U.S. views murder of Vietnamese and of its own citizens, Ellsberg and a friend concocted the most outrageous slogan they could think of to illustrate the point. It was: FREE CALLEY—AND MANSON. Ellsberg's son had a batch of buttons printed and gave them to his father on his 40th birthday—and the pair enraged Cambridge residents by handing them out on the street. Few appreciated the irony.

It was to convince other Americans

that U.S. policy in Viet Nam has been morally blind that Ellsberg arranged to release the secret study. Yet not all of the men who have admired Ellsberg's mind and potential share the conviction that his act will accomplish anything positive. Lansdale considers it more likely that the papers amount to "a perverted McCarthyism. The people who released them have elicited emotional responses just as McCarthy aroused the intellectuals and the liberals. The people attacked will be hitting back."

Senator Barry Goldwater charged that "when publishers and editors decide on their own what security laws to obey, it puts them in the same category as those radicals who foment civil and criminal disobedience of laws they disagree with for moral reasons."

Other tart criticisms were offered by two of Johnson's White House intellectuals, the University of Texas' Walt Rostow and Brandeis' John Roche. Rostow said that the Pentagon researchers



had exercised a "most egregious extraction out of context" of his "hundreds of memos on Southeast Asia." Newspapers, he contended, had further distorted the perspective. "If a student here at Texas were to turn in a term paper where the gap between data and conclusions was as wide as that between the Pentagon study and the newspaper stories, he would expect to be flunked." Roche scoffed at the study as "third-echelon chitchat," adding: "The Pentagon has this immense welfare program: aid to dependent colonels. They sit around over there and work up contingency plans."

Some of the flaws in the study were openly conceded by Leslie H. Gelb, chairman of the task force, that man-

worse than the Pentagon papers make it appear. "If anything, the published records tend to varnish over these crucial events or make them less offensive and damaging to those actually involved."

### A Terribly Unpopular Thing

Replying to critics who claimed that the *Times* had only started the series to make money, Managing Editor Abe Rosenthal said that there was no increase in circulation at all until the Government took the *Times* to court (then on one day it jumped about 60,000). But the cost of producing the series, which may yet run through another eight installments, could reach \$1 million. As for how the *Times* selected the

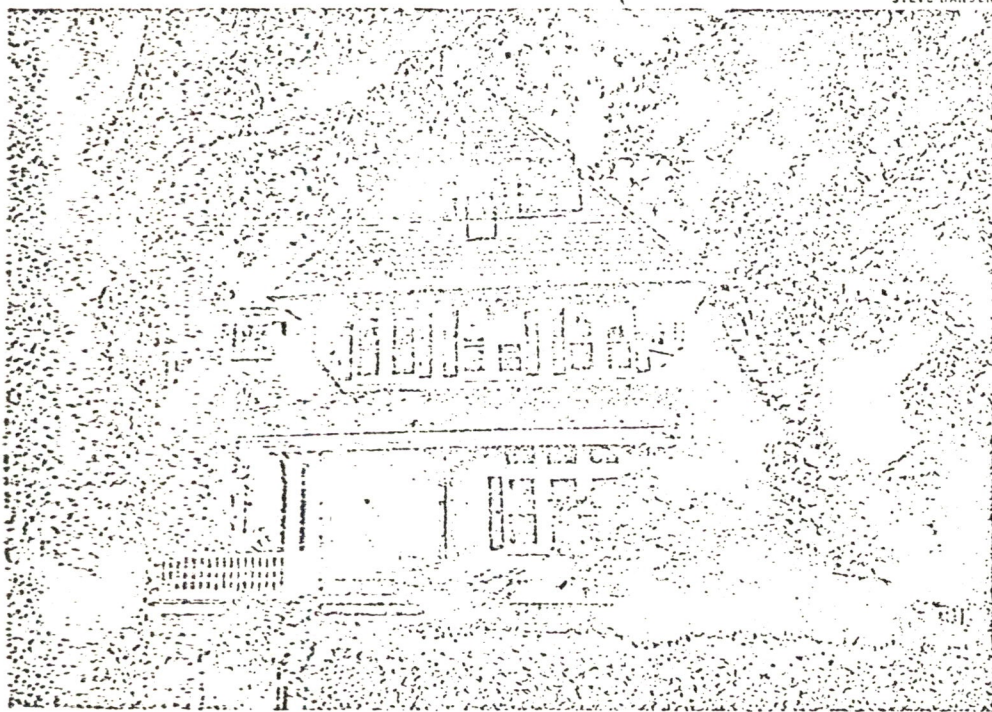
The White House insisted, with much justification, that it must take action when it feels that a law has been violated. "How would you explain to people that you elected not to enforce the law?" asked one presidential aide. Yet the law in this case was not necessarily all that clear cut. Only the court action will determine whether the law has, indeed, been violated. If the newspapers are allowed to resume publication, the Administration can be faulted on two counts: its reading of the law was poor and capacity to amplify the voice of its critics was unbounded.

At least subliminally, the Ellsberg affair was bound to affect the mood of both the country and Congress, adding some velocity to the antiwar tides. The Senate showed growing impatience with the Administration's Viet Nam disengagement policies and was in a mood for strong action. By virtue of only one vote, hawks were able to gut an amendment to the draft extension bill that would have cut off all funds for U.S. military operations in Indochina within nine months. The Senate then went on to pass with ease, 57 to 42, a bill proposed by Senate Majority Leader Mike Mansfield that urged the President to withdraw all troops in nine months but did not include a cutoff of funds.

### Too Many Ellsbergs

The Pentagon papers controversy has severely damaged the mutual willingness of press and Government—inherently in conflict—to maintain a working relationship with each other. The fact that for the first time the difference had to be resolved by the Supreme Court indicates a breach that threatens the orderly processes of a democratic society. Regardless of the legal issues, the newspapers saw a higher morality in exposing the secret history of decisions that had led to a dangerously unpopular public policy. Appeal to a higher morality by an individual or an organization is often necessary—and always dangerous. No government of law can passively permit it—or simply repress it. Therein lies the Administration's dilemma. There may be too many Daniel Ellsbergs in the U.S. now for a President to ignore their will.

Ellsberg has helped fulfill his prophecy of mounting stress in the U.S. unless the war ends, a prophecy offered before the Senate Foreign Relations Committee last year. Said Ellsberg: "Personally, I have thought in the last couple of years of protest in this country that it was still possible to exaggerate the threat to our society that this conflict posed for us. But I am afraid that we cannot go on like this, as seems likely, unless Congress soon commits us to total withdrawal, and survive as Americans. I think that what might be at stake if this involved a decision is a change in our society as radical and ominous as could be brought



ELLBERG'S CAMBRIDGE HOME  
Beyond the wildest radical dream.

aged it, in a court affidavit. He said that the people who worked on it were "uniformly bright and interested, although not always versed in the art of research. Of course, we all had our prejudices and axes to grind and these shine through clearly at times, but we tried, we think, to suppress or compensate for them. Writing history, especially where it blends into current events, is a treacherous exercise. We could not go into the minds of the decision makers. We often could not tell whether something happened because someone decided it, decided against it, or because it unfolded from the situation."

Yet the disclosure of the documents had some unexpected defenders. William F. Buckley's conservative *National Review* supported the *Times*, partly on the grounds that "overclassification of documents by government's monote to approximately 3,000%—and no one is going to read all this mass anyway." Frederick Nolting, former ambassador to Saigon, argued that the

material it has run so far, Foreign Editor James Greenfield said that the editors started with specific decisions, then worked back to the documents that had led to the decisions. "We threw out literally hundreds of documents—some that would have put your hair on end—because they didn't show how the decision was made." Despite qualms about the use of classified material, the majority of U.S. editors seems to feel that they would have acted like the *Times* if given the chance (see Press).

Whatever the specific strengths and weaknesses of the Pentagon history, its impact was clearly most damaging to Democrats, but the Nixon Administration's attempts to suppress the report made many Americans wonder about its motives. U.S. Attorney Whitney North Seymour conceded that "what the Government has done in this case is a terribly unpopular thing. We are vilified on all sides." The impending prosecution of Ellsberg is certain to bring



10 JUL 1971

## Accusation on Tonkin Gulf

# Ellsberg adds to Pentagon papers furor

By Godfrey Sperling Jr.  
National political correspondent of  
The Christian Science Monitor

Washington

Dr. Daniel Ellsberg has added new details here to the saga of the Pentagon study on Vietnam, which he has admitted he leaked to the United States press. He said that:

◦ Former Secretary of Defense Robert S. McNamara, when testifying about the details of the Tonkin Gulf incident in 1964, and later, gave a misleading impression of what transpired.

There was confusion, Dr. Ellsberg said, at the highest levels of government about what exactly happened — particularly whether there had been a "second attack" by the enemy.

He said that Mr. McNamara, while himself not fully convinced that there had been such a second attack, gave the impression that there had, indeed, been one.

◦ He was gratified that Attorney General John N. Mitchell had dramatized the disclosure and the substance of the papers by moving to enjoin their publication.

He said it would have been most difficult, if not impossible, to have the fullness of the study reported, together with big newspaper play, particularly for some of the important but less-interesting material of the earlier Eisenhower-Truman years, had the Justice Department not thrown its intense spotlight on publication.

◦ One of the reasons Sen. J. W. Fulbright (D) of Arkansas had not disclosed information from the Pentagon report (which Dr. Ellsberg says he gave to the Senator in 1969) was that he believed that the Senator was protecting him, knowing the severe penalties that were involved.

Dr. Ellsberg charged there is an "enormous irresponsibility of our highest officials in dealing with national secrets" and that he hoped the publication of the Pentagon papers would serve as a "lesson" for government officials, that they cannot operate under conditions by which the background of their actions would be forever concealed from the American public.

Government officials working under prevalent conditions of secrecy become "careless" because they are not answerable for their actions, he said; the commander in chief should not be allowed to think that he has access to the nation's Polaris submarines and other military equipment to "use as he sees fit without an accounting to anyone."

◦ He takes responsibility for getting the Pentagon papers to most of the newspapers that published them, and he said that the material did not go from one newspaper to another.

"At first I thought I was the source for all of the newspapers. But on further reflection there was at least one other source for one other newspaper," he said.

"How did you go about choosing the newspapers you leaked the information to?"

"I thought of papers I had read in the past, those that were informative and straightforward in reporting the war.

"I had no intention to begin with to give out these papers to any other newspaper except the New York Times. I was responsive to the strategy of the Justice Department which I had not foreseen.

"Some selection of newspapers had to be made. I did this rather arbitrarily."

Did you choose "dove" papers.

"No. I used personal preferences. The [Christian Science] Monitor is not a dove paper, and I don't know about the Knight papers. My father reads the Monitor, and the Detroit Free Press. It's a small thing—but it was that sort of thing."

There has been at least one charge from an informed source that the New York Times used material not in the Pentagon report and not all of the important Pentagon material was used.

"Approximately four volumes were not given to any paper, including the diplomatic material, and negotiations.

"It is possible that the Times has material not from the Pentagon papers. No other paper other than the Times has material other than the Pentagon papers."

Why did you disappear from sight after the first publication in the Times?

"I made myself unavailable purposely so as not to distract from what I thought would be the main legal point — newspapers' right not to disclose their sources. I was always in a position to make that point moot."

Did you know the penalties for what you were doing?

"Until recently I took it for granted I would go to prison. I always thought I couldn't do this without getting in jeopardy.

"I didn't know the legal sanctions detail until quite recently, until my lawyers told me. Now I feel it is not entirely clear that I have violated a law. Most laws involve intent to harm the United States — and this was the opposite of my intent."



10 JUL 1971

## Data Denied McNamara, Ellsberg Says

By ROBERT M. SMITH

Special to The New York Times

WASHINGTON, July 9

Daniel Ellsberg asserted today that Pentagon officials working for the Joint Chiefs of Staff kept from Secretary of Defense Robert S. McNamara the existence of a study of the 1964 Tonkin Gulf incident.

Dr. Ellsberg, who has been indicted on charges of unauthorized possession of secret documents in the Pentagon papers case, said that the Defense Department officials "definitely and deliberately withheld it from the Secretary of Defense until Fulbright raised the question."

"The reason they were so jealous of it," said Dr. Ellsberg, "was they did not want the Secretary of Defense to know they had certain data—tapes of the Secretary's conversations with joint and subordinate commanders overseas. [They] didn't want it known their file of CIA messages was so complete."

Mr. McNamara, now president of the World Bank, was called for comment on Dr. Ells-

berg's assertion but did not return the call.

Dr. Ellsberg, a 40-year-old senior research associate at the Massachusetts Institute of Technology, made his remarks at a breakfast meeting here.

He said that he had been a consultant to the Pentagon in 1968 when the Senate Foreign Relations Committee held its hearings on the Tonkin Gulf incident. The North Vietnamese American destroyers in the Gulf of Tonkin in August, 1964, were reported to have attacked American destroyers in the Gulf of Tonkin in August, 1964.

Dr. Ellsberg said that he was told by "a very high official" on the operations staff of the Joint Chiefs that the study was regarded as "sensitive" because it used tapes of Mr. McNamara's conversations through the war room to commanders, including Admiral U. S. Grant Sharp, Commander of Pacific Forces.

Dr. Ellsberg, who has said that he gave the Pentagon papers "to the American people through the press," today added that "there was at least one other source" of the documents to one newspaper. He named neither the source nor the newspaper.

In his response, Mr. McNamara said that he had "never heard of the study when you requested it: General Wheeler [Earle G. Wheeler, chairman of the Joint Chiefs] was not aware of it."

"High Official" Cited

Mr. McNamara told the committee that "the author of this particular study did not have access" to all the appropriate information and that he did not think you want evaluative reports sent over here that are incomplete."

Dr. Ellsberg said that he was told by "a very high official" on the operations staff of the Joint Chiefs that the study was regarded as "sensitive" because it used tapes of Mr. McNamara's conversations through the war room to commanders, including Admiral U. S. Grant Sharp, Commander of Pacific Forces.

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10 JUL 1971

# Ellsberg Recounts Tap On McNamara

## Ex-Aide Says Military Secretly Recorded Secretary's 1964 Calls To Pacific Command

BY PHILIP POTTER

Washington Bureau of The Sun

Washington, July 9—Daniel Ellsberg, the former Pentagon official charged with illegal possession of top-secret documents on the Vietnam War, said today the military concealed from Robert S. McNamara that it had taped his telephone talks with Pacific commanders during the Vietnam war.

When Mr. McNamara learned in 1968 of the taping by reading a 1965 study made for the Joint Chiefs of Staff on the controversial 1964 Tonkin Gulf incident, Dr. Ellsberg said, the former Defense Secretary was "reluctant" to release the study.

"McNamara's testimony at the time (August 6, 1964, before the Senate Foreign Relations Committee in behalf of the Tonkin Gulf resolution sought by President Johnson) had been quite misleading and that I think was why he was reluctant to let that (1965) study go out," Dr. Ellsberg said.

### 1963 Testimony

Dr. Ellsberg was alluding to appearances by Mr. McNamara before the Senate Foreign Relations Committee headed by Senator J. William Fulbright (D., Ark.), during its 1968 investigation of the Tonkin Gulf affair. Mr. Fulbright had accused the defense secretary of suppressing in his 1964 plea for passage of the resolution data indicating the Navy had doubts about North Vietnam's attack August 4 of that year against two American destroyers in the Gulf of Tonkin.

President Johnson had seized the occasion of this attack, purportedly the second in two days, by North Vietnamese torpedo boats on U.S. destroyers in the Gulf, to launch retaliatory air

strikes against North Vietnamese torpedo boats and to get congressional authority to pursue the Vietnam war.

Both Mr. McNamara and Dean Rusk, the Secretary of State, spoke for the resolution, which passed the Senate with only two dissenting votes, by former Senator Wayne Morse (D., Ore.) and former Senator Ernest Gruening (D., Alaska), and passed the House without dissent.

### Confusion Over Attack

The 1965 study, made for the Joint Chiefs of Staff by a weapons systems evaluation group and obtained by the New York Times recently, tells of an August 4, 1964, telephone talk between Mr. McNamara and Adm. U.S. Grant Sharp, the Pacific commander, in which the defense secretary learned that there was confusion over whether a second attack on the destroyers had actually taken place.

He was assured in a later talk with Admiral Sharp that the admiral was satisfied on the basis of information from the task group commander of the two destroyers that the attack was genuine. The study stated that the Pentagon had other confirming evidence, including intercepted radio messages from North Vietnam, saying that their vessels were engaging destroyers and that two of their torpedo boats had been sunk.

Dr. Ellsberg, at a breakfast meeting with a group of reporters here today, said the 1965 study had been "deliberately held" from the secretary when it was made, because "they did not want the secretary to know they had complete tapes of his telephone talks with overseas commanders in which the 'target scramble lines' had been used.

The study, he said, included not only these tapes but also records of the Central Intelligence

Mr. Ellsberg, who said he had access to the study before Mr. McNamara did, said one reason it had been held so closely by the Pentagon's joint military staff was that "there was a great deal of dirty linen in it," as well as the fact that Mr. McNamara's talks with Admiral Sharp "were revealing about their information and their uncertainty as to what had happened."

He said Mr. McNamara's reluctance to turn the study over to the Congress when he did learn of it in 1968 had been excused by Mr. McNamara on grounds it did not tell the whole story of why the administration performed as it did in regard to the Tonkin Gulf affair.

### First Reading

At a February 20, 1968, appearance before the Fulbright committee, when Mr. McNamara was pressed for comment on the contents of the study, he said he had not read all of it and added, "I first learned of it a few days ago when you asked for it."

Dr. Ellsberg said he cited the episode as evidence of what he called "the multiple barriers" within the government to a free exchange of information.

He said that when he decided to leak secret documents to the New York Times and other newspapers, "I frankly expected to spend the rest of my life in prison."

He still expects a long stay there, he said, although his lawyers now question whether he can be convicted under existing law because his intent was not to harm the nation but the "opposite."

### "Showed More Sense"

In the course of his discussion with reporters, Dr. Ellsberg said he felt that "President Johnson showed more sense than any of his advisers" in his attitude on the war.

Dr. Ellsberg illustrated this by relating that he had been told by an observer at a White House meeting where Mr. Johnson was being pressed to send ships into the Tonkin Gulf to "prove our right to freedom of the seas" the President had re-

send Lady Bird and Linda to Lafayette Park at 3 in the morning."

In another development relating to the controversial Pentagon study, Mr. McNamara, now president of the World Bank, broke his silence by releasing a letter that described his motive for ordering it made.

The letter, from a former defense department analyst, Laurence J. Lejere, related part of a conversation with Mr. McNamara on July 20, 1968, in which the secretary explained what he had in mind.

It represented Mr. McNamara as having "commented that a thorough critique on Vietnam probably would do more to reveal the weakness of the national security process than almost anything that could be undertaken."

Mr. McNamara was represented as having said he would rule out participation in the critique by anyone who had been in a position of responsibility or who was in a position to influence its findings, but added: "it would be all right to use me as a source of information."

He disclosed that he had already made (in 1967) arrangements for the collection "of data and records that would make such a postmortem feasible."

Those remarks, Mr. Lejere wrote that Mr. McNamara, seemed to define the objective of the enterprise as "a data collection for future use in the writing of a definitive postmortem."

Mr. McNamara has declined comment on the timing of the unauthorized release of the documents, including lengthy analyses by anonymous participants in the study, but reportedly always intended that it become public property at a time when it could be used productively and positively.



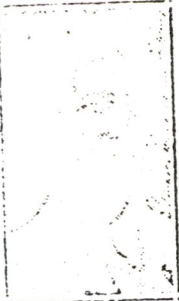
10 JUL 1971

# Public Came First, Says Ellsberg

By JERRY GREENE

Washington, July 9 (NEWS Bureau)—Daniel Ellsberg, the self-identified source of the leak of the Pentagon papers, who is under federal indictment for his actions, said today that he exposed the report on Vietnam involvement to protect the public from irresponsible officials.

Ellsberg told a group of reporters that former Defense Secretary Robert McNamara misled a Senate committee as to his certainty that there was a second North Vietnamese attack on American destroyers in the Gulf of Tonkin, the incident that triggered large-scale American intervention.



Daniel Ellsberg

The former Pentagon research official, who has been teaching at the Massachusetts Institute of Technology, and who previously said he thought he was the sole source for distribution of the classified documents to half a dozen newspapers, said he now "strongly suspects" that there was another "source" for one newspaper.

Ellsberg indicated that there were plenty of secrets to pass around, for the total Vietnam report "probably contained 10,000 pages, not the 7,000 pages that have been mentioned."

## Expects Prison Term

Ellsberg said he had received some encouragement from his lawyers, but "I continue to expect I will spend a long time in prison. I have no desire to go to prison. But I would have said when all this started that it was taken for granted."

The teacher-researcher faces terms of 10 years in prison and a \$10,000 fine on each of two counts. But he said that the gov-

ernment would have to prove he had intent to harm the country, and that he certainly had no such intent.

He said his lawyers have indicated that some of the government regulations on handling classified documents are not in accord with the law—"and it is not at all clear that I violated any law."

Ellsberg said he was not unhappy at his prospects now because "I may have influenced the way the system operates." He said he may have shown the American people, and America's allies, that the executive branch

cannot expect to operate under conditions of total secrecy where this contravenes the interests of the people.

Where murder, or covert operations for the overthrow of a government, or deception of the public are concerned, he said, officials will always now have some uncertainty that their activities will remain concealed.

A paperback publication of those portions of the report that have appeared in newspapers went on sale here today, and the distributor said the Pentagon and CIA bought the first several hundred copies put on display.



GARDEN CITY, N.Y.  
NEWSDAY JUL 12 1972  
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# Final Straw for Ellsberg

Combined News Services

New York—Daniel Ellsberg said yesterday that the truth was not told when former Secretary of the Army Stanley Resor dropped 1969 murder charges against eight Green Berets and that that was a major reason he leaked the pentagon papers to the press.

Ellsberg, 40, a former Pentagon aide and the guest on the ABC-TV "Dick Cavett show," said that "a great deal had contributed" to his decision to give part of the 47-volume study of U.S. involvement in Indochina to the New York Times. But, he said, the case against eight Green Berets charged with the murder of a Vietnamese double agent could be singled out as the final straw. The charges were dropped in 1969.

Ellsberg, also said it was "very misleading" to conclude that President Johnson deceived voters during the 1964 presidential campaign on whether he planned to escalate the Vietnam war.

"What Johnson said was, 'I'm not going to send American boys now,' or, 'I'm not going to send American boys until they're needed,'" Ellsberg said. "So President Johnson may have been giving us some clues back then." Ellsberg said that the American press

deserved some of the blame for failing to grasp fully what Johnson said. "People hear what they want to hear," Ellsberg said, "and the press helps them."

Regarding the Green Beret case, Ellsberg said, "I was lying in bed reading the paper when I saw the headline: 'Green Beret Case Charges Dropped.'" The article reported that Resor had said that the men could not obtain a fair trial because of their involvement with the Central Intelligence Agency. Ellsberg said that that was not wholly true. There was murder involved and the CIA attachment to the case was used as a reason for dismissal, he said. Gen. Creighton Abrams, who had expressed personal interest in the case, had demanded and been promised an investigation. But Resor, he said, had acted on behalf of the Johnson Administration. "The White House had made the decision. It was the first time a commander had been overruled. Abrams was mad because he was told a lie."

"Then I started thinking," Ellsberg said. "This is the system I spent 15 years serving . . . one that would conceal murder by lying. I decided I can't be part of that any more. I was tired of those who tell me when I should lie and how I should lie. And very soon after that, I made my decision."



14 JUL 1971

## Ellsberg Says Kissinger Knew of Study

Dr. Daniel Ellsberg, the political scientist who made the Pentagon papers available to the press, said during a long television interview last night that Henry A. Kissinger, President Nixon's national security adviser, had been consulted about the Pentagon study before the project began.

The 47-volume study of United States involvement in Vietnam was commissioned by Robert S. McNamara, who was then Secretary of Defense, in 1967. Dr. Ellsberg, who was one of 36 Pentagon staff members who worked on the study, said that Mr. Kissinger, then at Harvard, had been consulted about the undertaking just before work got under way.

Mr. Kissinger was quoted

last month as having said that he had been unaware of the study's existence until he saw the first installment of The New York Times series drawn from it the morning of June 13.

"I don't believe that's true," Dr. Ellsberg said when he was asked about Mr. Kissinger's statement during his appearance on the American Broadcasting Company's Dick Cavett show last night. "That's not what he told me in September, 1970."

Dr. Ellsberg said he had gone to Mr. Kissinger, who was then at the White House, "with the object of encouraging him to read it, and he told me that he did have a copy at that time."

Dr. Ellsberg did not say who had consulted Mr. Kissinger

about the planned Pentagon study, and gave no further details of the consultation.

The 40-year-old Dr. Ellsberg, who was a Pentagon and State Department adviser during the nineteen-sixties and is now at the Massachusetts Institute of Technology, said also that in the fall of 1969 he urged "a dozen or so" unidentified Democrats—who he said held "higher" positions than his own—to accept responsibility publicly for the Vietnam conflict.



16 JUL 1971

BRUCE

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## The Times' myth



DANIEL ELLSBERG, the senior M.I.T. research associate who leaked the Pentagon papers, says that in 1964 (when South Vietnam was tottering) President Lyndon Johnson showed "far more sense, judgment and wisdom than any of his advisers."

In an interview after an appearance here with newsmen, Mr. Ellsberg said he finds nothing in the documentary record of the Pentagon papers on our Vietnam war involvement to support the contention LBJ had decided in 1964 to bomb North Vietnam.

"On the contrary," said the 40-year-old researcher, "I felt his reluctance."

He described as "regrettable" and a "mistake" the New York Times' June 14 report on the papers which says: "The Johnson administration reached a 'general consensus' on Sept. 7, 1964, that air attacks against North Vietnam would probably have to be launched . . ."

Another crucial source, who must be left anonymous, said recently:

"In my own judgment, based upon the documents I saw, I am not convinced that President Johnson had either agreed to or encouraged the 1964 recommendations of his advisers on bombing the North."

THIS same man feels serious damage could result from the Times' reports if they "convince people erroneously that government is full of dissemblers and liars who think they are above the law."

In this capital which still is obsessed with the Pentagon papers a month after their first publication, you can find heavy reinforcement among seasoned security affairs reporters for the judgment that the New York Times' June 14 report was grossly misleading.

The anonymous source says that, far from deciding big Vietnam questions in 1964, Mr. Johnson in fact was then paying much less attention to the matter than were his advisers:

One qualification to all this: Mr. Ellsberg stressed to me that documents do suggest a consensus of LBJ advisers in 1964 on this need to retaliate — with one-shot bombing strikes against the North — in event of further provocations from Hanoi.

Walt Rostow, then a State Department policy planner and later a top LBJ security adviser, underscores Mr. Ellsberg's point. He says the advisers' consensus was that we should be "ready to retaliate" if Hanoi further provoked us.

(He insists, by the way, that — contrary to the Times' account — there was no consensus at all among Johnson advisers in 1964 on the idea of general, sustained bombing of North Vietnam. He says Defense Secretary McNamara, State Secretary Rusk, security adviser McGeorge Bundy and Joint Chiefs' Chairman Gen. Earle Wheeler all opposed much bombing at that time.)

IN support of Mr. Ellsberg's notion that Mr. Johnson in those days was exhibiting reluctance even on short retaliatory strikes, many sources assert that the President proved it by spurning 1964 opportunities to hit the North.

Mr. Ellsberg himself takes note of Mr. Johnson's refusal to retaliate after Red raids Nov. 1, 1964, at Bien Hoa and Dec. 24 at Saigon. One student of the period says LBJ passed up five chances to act.

Another key source says that on three major occasions — August, September and December in 1964 — LBJ's special executive committee on Vietnam (composed of his chief advisers and called "the agony circle") — presented him with a long shopping list of things he should be doing to keep South Vietnam from going under. Each time, Mr. Johnson rejected the list wholly.

So, Mr. Ellsberg (the leaking source), many dovish reporters, dovish administration advisers like George Ball, and men closely familiar with the Pentagon study, all combine in condemning the Times' June 14 report as a gross misstatement of history. But will the Times' myth die as it should?



NEW YORK TIMES  
16 JUL 1971

## Ellsberg Wins Delay on Coast Trial

By JOSEPH LELLYVELD  
Special to The New York Times

BOSTON, July 15—Issuance of an order requiring Dr. Daniel Ellsberg to go to Los Angeles to stand trial in connection with the Pentagon papers was put off for at least eight days today as his lawyers sought to show that the Government's case against him was based on illegal wiretap evidence.

The Government contended that the issue of wiretapping was properly the business of the Federal District Court in Los Angeles, where the former Defense Department official was indicted on June 23 on charges of having stolen Government property and having had unauthorized possession of documents "related to the national defense."

But Magistrate Peter A. Princi ruled here that Dr. Ellsberg's lawyers could have until Friday of next week to file a further brief to support their contention that the question of wiretapping must be settled first, in order to determine whether the case should be allowed to proceed.

The indictment focused on Dr. Ellsberg's actions in September and October of 1969, when he was working for the Rand Corporation, a Government-supported research organization in Santa Monica. The indictment made no reference to Dr. Ellsberg's statement that he had transmitted the Pentagon study on the Vietnam war to the press.

Appearing on behalf of Dr. Ellsberg, Leonard B. Boudin noted that the Safe Streets Act of 1968 required the Government to divulge "in any trial,

hearing or other proceeding" whether the defendant, has been the object of illegal surveillance.

A disclosure of wiretapping, he maintained, would lead automatically to a hearing on whether the charges should be dropped because they are based on "tainted" evidence.

Lawrence P. Cohen, an Assistant United States Attorney, argued that a Federal Court here had no authority to drop charges brought in California.

### Sees Untenable Position

He said a disclosure of illegal surveillance would put the Government in the untenable position of having to present here all the evidence it presented last month to the Federal grand jury in Los Angeles.

Seated next to Mr. Cohen at the Government table but not participating in the arguments was Paul A. Vincent, a white-haired lawyer from the Justice Department's Internal Security Division who presented the Government's case to the grand jury in Los Angeles.

However, Mr. Vincent has reportedly been presenting evidence to a Federal grand jury here in an attempt to secure the indictment of Neil Sheehan, The New York Times reporter, whose investigative reporting led to the publication of the Pentagon papers.

The Times has never discussed its sources for the documents, but Dr. Ellsberg asserted at a news conference on July 1 that he had given material to all newspapers that published parts of the study.

Dr. Ellsberg, who is now a research associate at the Massachusetts Institute of Technology, looked drawn and composed as he followed the legal

arguments during the 45-minute hearing this morning. His wife was seated 15 feet behind him.

As Dr. Ellsberg and his wife arrived at the Post Office Building, which houses the Federal Courts here, they became the object of a one-man demonstration by Josef Mlot-Mroz, a self-styled "Polish freedom fighter" from Salem, Mass.

The solitary demonstrator carried a wooden crucifix about six feet high, which was painted white and bore the slogans, "Communism Is Jewish" and "Fight Jewish Communism."



16 JUL 1971

## Ernest B. Furgerson / Today's hero



THE breathless elbowing to get Daniel Ellsberg on every TV talk show and at every news conference breakfast, the journalistic urge to first-personalize about the first time you ever met him, all that has let up a little by now. But he remains the media hero of the moment because he stole the Pentagon Papers, and he will have to do until another one comes along.

That is true because the real thing is such a rarity in this world, and particularly in our country — here and now. It is an age of relative pignies: Of course, because there are no great men among us does not mean we cease to hunger for them. The shortage creates a half-trigger willingness to cheer anybody, and that is what accounts for the temporary prominence of some of the citizens who have decorated magazine covers in our recent past.

TIME Magazine started its official designation of The Man of the Year back in 1927, and that was a good year for it. The first nominee was Charles Lindbergh. In the following three decades it chose from others like Gandhi, Roosevelt, Hitler, Stalin, Churchill, Eisenhower and De Gaulle. But this is what the decisions have been in the most recent decade: John F. Kennedy, Pope John XXIII, Martin Luther King, Lyndon B. Johnson (twice), William C. Westmoreland, collective American youth, three representative astronauts, the mid-Americans and Willy Brandt.

Three of those are dead, two are banished to historical limbo for now by the closeness of the Vietnamese war they managed, and three others are comments on the short supply of heroes by the editors of the magazine, who selected collective honorees because there were no individuals of ample stature.

And if that list seems unimpressive beside the towering figures of the years before, what are they going to do for a Man of the Year 1971?

The single greatest outpouring of American enthusiasm so far this year was in dubious behalf of a man whose distinction was his part in the slaying of a hundred or more unarmed civilians. For a few weeks, you would have been justified in assuming that Lt. William Calley had a great future in politics once his sentence was served or commuted. But where is he now? In the back yard of his DOQ, making model planes and playing with his puppy. The TV cameras are long gone.

The only person to strike the same sort of response among the same Americans in these months has been Spiro T. Agnew, and even his rhetoric became a bore after a while. He is now off meeting minds with kings and emperors in democracies like Saudi Arabia, where he reports finding substantial agreement with his views about the dangers of a free press.

THE pendulum of popular, or at least media, attention swings from political right to left, but at either end it points to someone outside the Establishment that was personified by the Roosevelts, Churchills, and Eisenhowers of the past: Calley and Agnew and, on the other flank, instant heroes like John Kerry and Ellsberg.

Mr. Kerry came to town to speak for the Veterans Against the Vietnamese War, and because he spoke in finishing school accents and washed his long hair and did not scream and shout, he was glommed onto by the cameras and his (or his ghost's) every word graven onto videotape. Where is he now? Back in Boston laying further groundwork to run for Congress.

His replacement is Mr. Ellsberg, the former Marine lieutenant who did a convert's backflip. He says he decided to play God with the secrets available to him because of his individual opinion that elected public officials were making illegal decisions, on the assumption the electorate would never know. Now that he has been cheered, he like Calley will fade to the status of a man awaiting trial, and the search for a hero will turn elsewhere.



24 JUL 1971

John P. Roche

## Recollections Of Ellsberg

"SAINTS," said George Orwell, "must be presumed guilty until proved innocent." His point was that out of every 160 purported messiahs, at least 99 will turn out to be either hooks or hustlers.

Of course, the minute one says this he is accused of cynicism, of refusing to make a commitment, or of simply failing to understand the higher forms of idealism. Perhaps there is some truth in this accusation; perhaps some of us are just not favored with revelations from on high.

All this may seem like pretty abstract stuff, but the fact is that the United States at the moment is suffering from a surfeit of self-canonized saints. The latest entry is Daniel Ellsberg, whose dedication to some higher law led him to leak (or flood) the Pentagon papers. His essential claim is that the United States must be saved from itself and he has nominated himself for the job. (By definition, messiahs are not elected.) Let me make it clear that I am not questioning his sincerity, but frankly I have grave doubts about his qualifications.

My first encounter with Ellsberg was in Saigon in the spring of 1969. There had been a big fight within the administration on whether the United States should encourage the development of representative government in Vietnam. Some argued that establishing constitutional government would be destabilizing in the middle of a war; others felt it would be a move towards stability. President Johnson decided in February that it was essential and I was sent to Saigon as a "consultant on public administration" to provide an independent reading of the situation.

Shortly after I arrived, I was invited by General Edward Lansdale to visit with his "team" at 194 Conqly. Ellsberg was among those present. Without getting into the details, they had a theory of counter-insurgency that involved training 57-man Vietnamese teams to go out into the countryside. These Political Action Teams (PAT) were supposed to provide the South Vietnamese peasants with the same sort of political dedication that the Communists provided in the North. This assembly line approach to litical warfare struck me as absurd, but what impressed me most was the revivalistic mood of the gathering. When I asked politely what precisely the PAT were supposed to believe in, what would be their ideological motivation, a curious hush fell over the room. It was rather as though a cardinal had questioned the existence of God. And I was written off as simply incapable of comprehending the higher verities.

I FORGOT about Ellsberg until he turned up at the White House in late February or early March, 1968. He was peddling a memo all over town to the effect that the Tet offensive proved the war was lost, and brought a copy for one of my colleagues. The latter gave it to me to read and then invited me in with Ellsberg to discuss it. I thought Ellsberg was dead wrong in his analysis (which, I'm told, misled John Kenneth Galbraith into predicting at the time that the Saigon government would collapse in two weeks), but again what struck me most vividly was his fervor. And his total refusal to argue the question on the merits—his fervor. And his total refusal to argue the question on the merits—again I was excited from the company of the betotal. Only now the faith had changed!

The Tet offensive, in my judgment, had been a brilliantly executed political warfare operation, rather than an effort to take over the South militarily. It was designed in short, to influence American opinion: in General Giap's view, 40 to 50,000 dead was a small price to pay for undermining the American commitment. (Note that he sent his South Vietnamese — the Main Force VC — out on this suicide mission and kept his Hanoi divisions in reserve.) Ellsberg's reaction was precisely what Giap had in mind.

This is not to question Ellsberg's loyalty to the United States, but to suggest that his judgment was bad, and, more important, that whatever bad judgment he had was invariably disguised as a message from God.

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26 JUL 1971

## Leaker, Leakee

The historic U.S. Supreme Court ruling in the case of the Pentagon papers bloodied Attorney General John Mitchell—the man who mounted the ill-fated effort to keep the top-secret Vietnam history out of the papers—but did not bow him. The decision was only a day old when the A.G. vowed he would prosecute anyone who broke any Federal laws in surfacing the secret archive. One grand jury, in Los Angeles, had by then already indicted Daniel Ellsberg, the sometime Pentagon analyst who first leaked the papers to the press. And last week a second, in Boston, was considering whether to hand up charges against another prospective defendant: reporter Neil Sheehan of The New York Times.

Going after the newsman who broke the story had a locking-the-barn-door look since the secrets were already out, but there wasn't much else left for the government to do as a deterrent to future leakers and leakees. During arguments before the High Court, Mitchell's own solicitor general, Erwin Griswold, mentioned the most obvious difficulty in prosecuting the newspapers themselves—the question of whether “any jury would convict . . . for the publication of materials which this Court has said could be published.” But several of the Justices seemed in their opinions to invite criminal proceedings, and the Justice Department began sorting various possibilities, among them laws against espionage and unlawfully receiving property “of value to the U.S.” Mitchell said nothing had been decided (“We don't go off half-cocked around here”), but subordinates confirmed that the grand jury inquiries were indeed in progress—and referred to reporter Sheehan as “a prospective defendant.”

Ellsberg, meanwhile, fought his indictment with the charge that it was based on illegal wiretapping. And, on

Dick Cavett's ABC-TV talk show, he continued arguing the public case for the defense. He had decided to go public, he disclosed, while lying in bed one day reading a newspaper account of how the Army was dropping charges against eight Green Berets accused of murdering a Vietnamese double agent. “And I remember very well lying there,” Ellsberg told Cavett, “and thinking this is a system that I have spent fifteen years serving . . . a system that from top to bottom has come to act reflexively, automatically, to conceal murder for political convenience by lying . . . And I decided to stop lying that day. So it was soon after that, very soon, that I decided to reveal this information.”



THE  
26 JUL 1971

## THE LAW

### What the Rap Might Be

The threat has been mentioned all along, but last week Government attorneys began the first broad investigation into what criminal charges may result from the publication of the Pentagon papers. A federal grand jury in Boston started hearing evidence on how the documents had been reproduced and distributed, giving specific attention to the roles of the New York Times, the Washington Post and the Boston Globe. Timesman Neil Sheehan, who first obtained the papers, and his wife, were also mentioned. But neither they nor any other newspaper employees had been subpoenaed by week's end, nor had the grand jury filed any charges.

Indeed, for all the activity, it seemed clear that the Government was still unsure of just how various laws apply—largely because no legislation appears to have anticipated the unique circumstances. Most problematic is what criminal activity, if any, can be ascribed to the newspapers involved. "Anyone on the Times, the Post or the Globe is potentially liable to a charge of receiving stolen Government property," says a Government official. The penalty would be ten years and \$1,000 fine. (The newspapers themselves would be liable only for the fine.) For the Times and Sheehan there is also the possible additional charge of taking stolen property across state borders since Sheehan is thought to have brought the Times's copies from Boston to New York; the penalty there could be ten years and \$10,000 on each count.

Xerox Technicoidity. But legal scholars point out a serious hitch in any stolen property prosecution. The newspapers received duplicating machine copies rather than the actual Government property. While few doubt that stolen-property legislation could be drafted to include such copies, the fact that they are not now mentioned is likely to make prosecution difficult.

Charging the newspapers with criminal offenses under the Espionage Act holds more promise of success. In fact, during the Government's unavailing effort to block publication, at least four Supreme Court Justices indicated that they might very well uphold a subsequent espionage conviction. The act, among other specifications, bans "unauthorized possession of information relating to the national defense" and failing to give it up to the proper authorities; such information is obviously just as present in a Xerox copy as in the original. In addition, the act outlaws communicating such information to others, which could be taken to include the act of publishing. The penalty is again a maximum of ten years and \$10,000.

Though none of the papers has begun preparing a case, they are certain to bolster whatever other lines of defense they raise with the possible validity

of the First Amendment's free press guarantee. Aware of that extra protection, the Justice Department is far from decided on whether to proceed against the newspapers. "At this stage," said Attorney General John Mitchell last week, "it's a little silly to speculate that they will be indicted."

Ellsberg's Intent. The current Boston grand jury is considerably more likely to indict some of those who aided Daniel Ellsberg. Or it may only gather more evidence for Ellsberg's prosecution. Last week, in a separate action, a Boston federal magistrate delayed ruling on whether Ellsberg could be removed to California, where he worked for the Rand Corp. and where he has already been charged with taking and having unauthorized possession of copies of the



DANIEL ELLSBERG

*The Government is still unsure.*

Pentagon papers under the stolen property statute and the Espionage Act. Since even further charges may be brought, Ellsberg's lawyers are trying to prepare for every eventuality. A variety of attacks on the Government case are already taking shape.

One such attack centers on the mention throughout the Espionage Act of the need to prove intent to cause "injury" to the U.S. or give an "advantage" to a foreign nation. The defense plans to argue that Ellsberg's intent was certainly not to damage the U.S. As for theft, the defense will point out that the originals were returned and that Ellsberg retained only copies—a practice followed by many other former officials to aid in the preparation of memoirs or to preserve a personal record of their years in office. Broader arguments are likely to be that the papers were improperly held in a top-secret classification and that their mere

not currently related to the national defense but were instead historical documents.

Unmade-Up Minds. Such an array of defense possibilities appears to have been unexpected even by Ellsberg. "Until recently I took it for granted that I would go to prison," he says. "Somewhat to my surprise it turns out it's not at all clear that I have violated the law." Though the Government side has a differing view, it too seems less sure about who has committed what. "Nobody's made up his mind yet about who has violated the law," said a Government official last week. Added John Mitchell, smiling slightly: "I think we'll want to sort this one out very carefully."



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# CONGRESSIONAL INQUIRY into the PENTAGON PAPERS

A conference on the content of the Pentagon Papers and their implication for the past, present and future course of our involvement in South-east Asia.



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## PARTICIPANTS, IN ADDITION TO CONGRESSMEN, INCLUDE:

DANIEL ELLSBERG, former Pentagon & Rand employee & an author of Pentagon Papers . . . NOAM CHOMSKY, M.I.T. professor & Vietnam expert . . . MELVIN GURTOV, former Rand employee & an author of Pentagon Papers . . . ERNEST GRUENING, former U.S. Senator . . . FRED BRANFMAN, correspondent recently expelled from Laos . . . MORT HALPERIN, former Kissinger aide . . . TRAN VAN DINH, S.Vn. deputy ambassador under Diem to U.S. . . CYNTHIA FREDERICK, Committee of Concerned Asian Scholars . . . Rt. Rev. PAUL MOORE, Episcopalian bishop & recent visitor to S.Vn. peace groups . . . NGO VINH LONG, leader S.Vn., intellectual . . . DAVID MARR, expert on Vietnam history . . . ROBERT ANSON, correspondent captured in Cambodia . . . PHILIP GEYELIN, editorial page editor of *The Washington Post* . . . DAVID TRUONG, son of opposition candidate to Thieu in 1967.

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# THE PERISCOPE

## MOSCOW AND MR. NIXON'S TRAVELS

The Kremlin's top man, Communist Party Secretary Leonid Brezhnev, has summoned his opposite numbers in East Europe to a private meeting at his Black Sea summer home to discuss Mr. Nixon's Peking visit. The Russians, incidentally, say they got word of Henry Kissinger's hush-hush trip while he was still in China, and Washington observers think it came from Rumania's President Nicolae Ceausescu, who helped arrange the meeting with Chou En-lai.

## DANIEL ELLSBERG'S VIETNAM BOOKS

Daniel Ellsberg, the man with the Pentagon papers, is writing a 10,000-word introduction for a Dell paperback of his own writings on Vietnam. The book will include his Senate testimony on the war. Ellsberg will give his five-figure advance and all royalties to the American Friends Service Committee for their work with war-wounded Indochinese children. MIT has extended his contract to complete "The Decision-Making Process in the Vietnam War," which it hired him to write last year.

## PLOY IN PANAMA

Panama's strongman, Gen. Omar Torrijos, is hinting broadly that he has an ace to play in dickering with Washington over the Panama Canal Zone. If he doesn't get full control of the 10-mile-wide zone, Torrijos says, he will recognize the Castro government. He apparently thinks the thought of Castro representatives in so sensitive an area will prompt the U.S. to give Torrijos a deal that will make him a national hero.

## THE CHINESE TRIP'S BACKLASH

Republican Party fund raisers find it hard to join the cheers for President Nixon's plans for China. The reason is that some of their biggest contributors have told Senate and House GOP campaign managers they are closing their checkbooks over "the sellout of Chiang Kai-shek."

## A BARGAIN IS A BARGAIN

Chile may have a Marxist government, but its air force is willing to ignore the party line for a bargain. Russia offered to sell Chile SU-7 jet fighter-bombers and MIG-21 fighters. The Chileans liked the bombers but rejected the MIG's, preferring cheaper, U.S.-made Northrop F-5s.



5 OCT 1971

This is the man who leaked the Pentagon papers that tell the

# ELLSBERG TALKS

Top Secret history of decision-making in the Vietnam war. Dr. Daniel Ellsberg, a veteran of Vietnam and Pentagon combat, is lean, intense, athletic, attractive to women and brilliant. Why did this 40-year-old Harvard-Cambridge-MIT intellectual, enthusiastic Marine Corps officer, Rand Corp. analyst and Defense Department planner expose these

classified documents to the world? Since he did, their publica-

tion has become the most sensational story of the year. The

Nixon Administration tried to

halt publication, starting a battle in which the Supreme Court refused to stop the nation's press from making the papers public. In this self-revealing interview with Look's Foreign Editor J. Robert Moskin, Dr. Ellsberg explains why he risked prison to try to end the war.

*When you turned yourself in, you said you had made the Pentagon papers public as a responsible American citizen. Really, the essential question we want to talk about is: What is the moral responsibility of the citizen who thinks he sees his government doing evil?*

I was in a dual position. Like every American, I had a feeling of obligation to the Constitution and to my fellow citizens. At the same time, I was a researcher through most of this period, doing consulting for the Government, and someone whose reflexes in terms of loyalty had been set by 12 to 15 years of service to the Executive Branch—15 years would include the three years with the Marine Corps.

I question the identification of the state or the Government with the Executive Branch or with the President. All the members of the Executive Branch are the creatures of one elected representative of the people, the President. When you look at the entire Executive Branch, you confront this enormous structure of somewhat conflicting institutions in which only one man has been elected by the people. The effects of this are very great.

In the early sixties, before I ever got on the subject of Vietnam, I was granted interagency access at a very high level to study the decision-making process in crises like the Cuban missile crisis, Suez, Skybolt, U-2 and so forth. In fact, the arrangements for that study were set up by Walt Rostow, who was then head of the Policy Planning Council of the State Department.

I was at Rand and was brought to Washington as the sole researcher for what was to be a year's study. That study exposed to me the importance of the President in every one of these crises, the peculiar, very powerful influence of the President's personal judgment and personal preconceptions.

This conflicts with another view of the decision process in Government, which says that the President, although he may look powerful, is given surprisingly little leeway by the bureaucratic agencies under him, in which to influence policy, that he has to fight for influence, to connive, to maneuver, in order to have any impact whatever.

It's a position that's very plausible from within the system. The bureaucrat gets a sense that presidential policy reflects the success of one or another agency in tying his hands. He doesn't have a sense of presidential initiative and power.

The most startling thing to me was to discover how critical the President's role had been, that if his hands were tied at all, it was because he chose to cooperate in having his position forced by one pressure or another.

*Was this the experience of just one President, say, Kennedy?*

Oh, no. This related very much to Eisenhower and others. Remember the clear-cut lies by the Executive relating to the shooting down of the U-2 flight over Russia in 1960? Remember that first they described the plane as having been a weather plane off course. Then Khrushchev revealed that they not only had parts of the plane but they had the pilot alive. After which the President himself took responsibility for the U-2 plane and admitted that it had been a spy reconnaissance flight. He was very much criticized for having admitted this, which demolished the summit conference scheduled right afterward.

Most Americans assumed that Eisenhower had not known of the flight, certainly in detail. I think most people believed this on two grounds: that there's a lot that goes on that no President knows about in detail and that Eisenhower knew even less than most Presidents because he was always on the golf course.

In the course of doing this study, I looked into the U-2 crisis quite closely and finally went to the man who was in charge of the U-2 program from beginning to end, who had left the CIA at that point. He said that President Eisenhower went over the flight plan of every U-2 flight over Russia in the greatest detail, which usually occupied no less than four or five hours. He said that for every flight of the U-2 over Russia, he brought the detailed flight plans with the full schedule to the White House for President Eisenhower, and in no case did Eisenhower fail to make some modifications in the flight plan.

He said the questions that President Eisenhower asked forced him to justify every reconnaissance objective assigned to the flight and to weigh it

continued



just the precise marginal risks on each leg of the flight. In fact, he said that on the specific flight where Powers was shot down, they were well aware that there were SAMs in that area that were becoming operational. They were almost sure that this would be the last flight where they might not be operational. Remember that these were the first SAMs capable of shooting the U-2 down. So after this flight, it would not be possible to fly over certain areas. There was already a risk, and they had to balance that leg of the flight against the desirability of covering those objectives. President Eisenhower made the decision that it was worth the risk.

I left that interview with a picture of presidential involvement that was entirely contradictory to the usual impression that I and most Americans had. Is this point relative to Vietnam?

Oh, very much so. In the U-2 case, most Americans would have assumed that this operation, which was just one in a number of flights, was surely being run at a fairly low level of the CIA. Presumably, the President didn't know much about it. Obviously, the moral would be that low-level bureaucratic decisions could have major diplomatic repercussions.

Notice that it's very like the assumption about all our decisions in Vietnam: This series of decisions, made without much presidential attention or involvement over the years, added up to having quite a major impact. The knowledge that I got from the Pentagon papers simply corroborated what I had learned years earlier, that, in fact, crucial decisions depended on a far greater presidential involvement.

And something else that I also came to understand: Because the President is a politician up for reelection, a man who expects to have his reputation recorded in history books, and a leader of a party, a man who is concerned with getting a legislative program through Congress, all these political considerations bear on presidential decisions in a way unlike the decision-making of any other bureaucrat. To take the U-2 example, Eisenhower's decision to announce the truth, rather than tell a lie, was undoubtedly influenced by domestic political considerations. In the opinion of his political advisers, to deny he knew of the flight could be damaging in the 1960 elections and sustain the belief that Eisenhower had been a know-nothing President.

The basic problem is we have a system, then, with a lot of people who don't know what it means to be accountable to the public. The Congress is the enemy, just as the press is the enemy. And the public is seen by members of the Executive in general as the great beast, treacherous, ignorant, irrational, not to be respected, either individually or in the mass.

Is part of the elite, the bureaucracy, you must have seen this way to some degree. And then somehow there is a metamorphosis? Or do you still feel this way now?

Not at all. For example, to come right up to the present, the views that seem to me appropriate in understanding the conflict in Vietnam are views I would not by the elites that have as their primary position for generations but the mass of the people speaking through public opinion polls, through elections—especially polls taken the way it is now, because it still is not evident that the elites care enough about foreign policy even

war and peace, to vote on that issue predominantly. I think that's regrettable.

The polls reveal that most people think we should get out of Vietnam and it was a mistake to have gotten in. I share that view. Obviously, the Administration does not, and many of the former officials who were my colleagues do not. It's not all that hard to explain. The people must face the issues in terms of their own sons and of the impact of the war on their lives, considerations that the man in the Administration—whose life is much improved by the condition of war, which swells the Executive and Executive salaries—doesn't have to face.

How did you come out of this bureaucratic point of view toward your present one? Was it related to your going to Vietnam?

We might go into the question of why I went to Vietnam. I went to Vietnam in 1965 in large part because I felt that I had been involved in the policy discussions and the planning that had led to the sending of American soldiers and draftees over to fight a war in Asia and that I should be over there with them and no longer viewing the war from Washington.

You felt a personal responsibility to participate? Isn't that unusual compared to many Americans' reaction to a shooting situation?

It was a familiar one for me. Back in 1950, when the Korean War started, I was as anti-military as anybody else in college. In 1954, I enlisted in the Marine Corps. A friend enlisted in the Air Force, and I remember that we often discussed how come we were the only people in the service at that point and our other friends didn't seem called upon to do this. But I don't know; there was some degree of difference there.

It was the same way when I went to Rand. I spent the summer of '58 at Rand in part because they were interested in my particular academic interest, which was "decision-making under uncertainty," and I found them all hard at work on what came to seem to me the most urgent problem facing mankind. That was the missile gap, and the possibility that we would find ourselves vulnerable to a strike by '60 or '61. I remember that a tutor of mine assumed that I had sold out to Rand for the salary, and I told him very honestly that I would have worked for Rand for nothing. It seemed the most important problem in the world.

Earlier, I had been elected to the Society of Fellows at Harvard, which was the most prestigious academic fellowship, three years for research, essentially at the pay of an assistant professor. That was to begin the month I was to get out of the Marine Corps, in June of '56. Well, I had a rifle company at the time. I was, I think, the only first lieutenant in the Second Marine Division at that moment to have a rifle company. In my own battalion there were captains and majors who were fighting to get my company away from me. But, in fact, it was an outstanding company, and I was allowed to keep it. But I had to give it up just before I was to get out.

Just when I was due to get out, my battalion



know of the  
Dowry's U-2  
flight would  
label him a  
know-nothing  
President

was scheduled to go to the Mediterranean at the time of the Suez Canal take-over; it would be the duty battalion on the spot in the war zone. So I spent a day thinking about what I would feel like to be back at Harvard and read in the papers about my battalion in combat. I couldn't stand that thought, so I sent a telegram to the commandant of the Marine Corps asking to extend for a year so I could accompany the battalion.

I guess the first time I ever saw top-secret information was when we were in the Mediterranean, and they broke out the top-secret war plans so that we could make landing plans. We didn't know which side we would be fighting at that point. In fact, I sort of assumed it would be Israel, since Israel seemed to have initiated the war.

*How did you feel about that?*

Well, I felt that the Israelis would probably wipe us out, whereas against the Egyptians we would give a much better account of ourselves. At that moment it wasn't the best-trained battalion I had ever seen. However, I felt that any war was better than none, and so I made a landing plan for Haifa while my colleague made a landing plan for Alexandria. Those were days, in other words, in which I was more than prepared to fight any enemy designated by my commander in chief. That's where I was then, and that was the mood that pretty much does pervade the Executive Branch. The commander is the boss. He'll tell you which side we're fighting. Meanwhile, prepare your plans.

*Where did you change from that point of view? When you were in Vietnam?*

When I did go to Vietnam, my first thought was to go back into the Marines. So I called a guy I knew who was in charge of officer placement in the Marine Corps headquarters—I was working in the Pentagon at the time—and asked him what rank would I have to go back as. He looked it up and said, major, the same rank as if I had stayed in. I said I'll only go back if I can go as a captain, because I know what majors do, staff officers sitting around, I don't want that. I want to be a captain, where I'll have at least a chance of getting a company to command.

The other thing I asked him was, can we conceal what I've been doing here, because I don't want them to put me writing speeches for the commandant. He said, that will be harder, because they will

know I had the rank of captain, which was an official rank in the Government between major and lieutenant general.

Then (Maj. Gen. Edward G.) Lansdale was going; I respected Lansdale from what I had read of his writings, his point of view, his background. So I volunteered to go with him. I was the only volunteer that he ended up taking. I seemed to be the kind of nut he liked to have on his team.

He took me on basically as an apprentice of his trade, which was counter-insurgency. I chose to educate myself on pacification, to learn the realities of what the war was like in the countryside.

The effect of that was that I was probably the only civilian who had served at a high staff level who was then exposed to the realities of the war in Vietnam close up.

*What was your reaction to those realities?*

That the programs we were pursuing had no chance of succeeding. They were not in any way proceeding as people thought they were back in Washington. Of course, that in itself didn't speak to the question of whether the war was a just one, or whether the aims we were pursuing were right for us to pursue.

*A number of things I read portray you in that period as carrying a submachine gun and wanting to lead a company. Were you very gung-ho?*

Yes and no. I was, but not more so than a lot of other Americans, civilians and military. More than some and less than others. Some of the impressions of me are very distorted.

Back to this feeling of responsibility that has influenced a lot of my life. In the pacification program, I was evaluating and criticizing and ultimately advising our policy and thus indirectly advising our advisers with the Vietnamese. A lot of this advice had to do with the risks that they should be prepared to run. And I was one of those, and not the only one, who felt that you should not give advice on questions like that unless you were prepared to go out of your way to share those risks to some extent. And to find out what was going on in the field; the higher-level reporting was extremely unreliable. So all that pushed me in the direction of driving the roads to see conditions in hamlets and along those roads, which was generally regarded in those days as a very, very risky proposition.

*Did you ever get in a fire fight?*

Yes. You see, one of the aspects of pacification is the so-called clearing operation, the first phase where troops go in and hunt guerrillas and then build up local government. It was never done very adequately, and that was one major reason why pacification rarely meant anything.

In the spring of '65, we began to put battalions into the Delta south of Saigon. Ambassador Lodge was skeptical whether this was a desirable thing to do with American troops. In any case, it was a judgment I wanted to be able to make in terms of the effects on the civilian population and whether it was a good risk or not. So I did go on a number of operations, one in particular with an Army battalion for ten

continued



...s of significant combat in the Delta. And then I also went on a number of Marine patrols in I Corps; these were patrols that combine both Vietnamese and Americans.

*Did you do any shooting?*

Well, I did a lot of shooting, because in the Delta we were under a lot of fire, some days every

**“12 YEARS CI WER NO American President had** . . .

**the courage to turn down** . . . “

half hour or so. I carried a weapon because the alternative was, if you didn't carry a weapon, other people would have to take care of you. I was anxious not to attract attention to myself.

*You were quoted as saying that seeing civilians killed face-to-face was the reason you changed your attitude toward the war.*

What happened was this: In this particular operation, we were under fire for much of ten days, and we did a lot of firing. In fact, a couple of times when I was with the lead squad going through a paddy, Vietcong rose from the paddy we had just walked through and fired at the people behind us. That kind of experience gives you a very intimate sense of the nature of this conflict and a very strong impression of the opponent we're fighting.

Now we get into the moral question: What did I feel like, firing at these people? Well, I can testify when you're being fired at, you don't worry at all about the moral dilemmas involved in firing back. It was only after I got away from that situation and even from the country that I really began to think harder about the question: After all, why were we there to be fired at? I knew why I was there. But why were *we* there? Why was our battalion there? The guerrillas we were fighting were clearly firing at foreigners to get them out of their own home yards. It was extremely hard to justify what we were doing there.

*You simply hadn't asked the question before? You hadn't faced it?*

No, it wasn't that I hadn't faced it. It was that I had accepted the official answer to it, namely that there was a civil war going on, that we had a right to intervene and pick one side or the other if our interests were involved, and our interests were involved. That if the wrong side should win this war, it would be worse for the Vietnamese people, worse for the United States and for world peace. It would mean victory for people who wished us ill and who would behave more aggressively in other parts of the world, which we would also have to counter. All the arguments, all the complexities that Dean Rusk can point to, are terribly familiar to me.

*What made you ask why, finally?*

Coming back to this country. I came back to a country where there were flying over my hometown of Detroit, and I had to cancel the trip because it was not clear just then that I could

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from the airport during the Detroit riot. Earlier, there was the Newark riot.

It wasn't hard to relate this to the inattention to domestic factors that the war was causing. So you immediately became far more aware of the domestic costs of the war, and that forced you to look harder at the question of whether it was really essential for us to be there.

So by mid-'67, I had already reached the opinion that we should get out of the war. Then the next big thing, the crucial thing for me, was contact with the Pentagon study, because that called into question the aims for which we were supposedly intervening over there and imposing these costs both on the Vietnamese and on our own people.

While working on the Pentagon study, it was astonishing, in going through files at the Pentagon, to read the national intelligence estimates from 1950 on. I read all those estimates, probably 40 of them covering a period of almost 20 years, and it was astonishing to discover that, with a few exceptions, they were very realistic, very detailed and skeptical. On the whole, they gave the President quite good predictions of what to expect.

That posed a really enormous puzzle. How did a succession of Presidents bring themselves time after time to increase our involvement, or even to sustain it, when they were being told by the national intelligence estimates that what they were doing would be inadequate to achieve any kind of success and could lead only to getting out in the future or escalating further? Why had Presidents apparently ignored this information?

The simple answer of our interests in avoiding World War III or the total Communistic take-over of Southeast Asia or a great loss of prestige didn't seem to account for these decisions, because the estimates, and even the recommendations made by the bureaucracy, indicated strongly that we would not be able to achieve those interests by what we were doing. So I had to look for other explanations, other interests.

I think that few bureaucrats appreciate, unless they get to fairly high levels—and I was privileged to work at the level of the assistant secretary, as a special assistant to John McNaughton—the peculiar kind of White House influence that goes into policy. The presidential role as a whole is not committed to paper very much, and in particular, the presidential interest in domestic policies does not get on paper because it is a subtle check that domestic policies ought not to influence foreign policy.

continued



*...a year ago that term "domestic politics" in this way, but are you talking about?*

I mean a variety of things, all wrapped up together. I don't mean only the problem of getting elected in the next presidential election, although that's a central aspect to it.

I also mean the problem of getting an entire legislative program through Congress, the degree to which the President pays deference and attention to the desires and prejudices of particular leaders in Congress. It also means his interest in congressional elections that will win him support in Congress, which will help him not only in his presidential campaign but in his legislative program. And it means his relations with the press for all these purposes. And his ability to get appointments through, and it affects the budget. Almost nothing of all this is ever mentioned in official writings. When people talk of the limitations of the Pentagon papers, that's a major limitation.

*By the time you got involved in the Pentagon study, you felt we should get out as soon as possible. Was the study set up to prove this, as it has been charged, or was this just your own feeling?*

Oh, no, no, no. This was my personal feeling. When they say most people in the study felt that way, it happens to be true, but it ignores the fact that most people in the Pentagon felt that by this time. Most people in the Government who had any experience with Vietnam had by late '67 come to feel that the official optimism that was coming out of the top, from Rusk, from Westmoreland, was quite unjustified. This was even before the Tet offensive, and most of the work on the study was done after the Tet offensive.

*So that was one metamorphosis of Daniel Ellsberg, from participating enthusiastically in the Vietnam war to wanting to get out of it as soon as possible. There was another metamorphosis, from participating in the study to participation in its public disclosure.*

Right. The study immediately showed policy emerging not simply as an interplay of bureaucrats and agencies, but as a result of deliberate choices by Presidents who had been told that they would probably not succeed.

Remember, I did my work on the '61 volume of the study basically in November and December 1967. That was only one example; it didn't show me a pattern. It just set up some puzzles. Why had Kennedy done this? It wasn't until early '69, a year later, that most of the study actually became available. At that time, to my knowledge, I was the only man at Rand—actually, in the country—who was on Government funds, spending full time doing research drawing lessons from our Vietnam experience.

When I started on the study, I was still recovering from hepatitis that I had caught in Vietnam, and they were very anxious to get me. I was only willing to do it on condition that I would be able to profit from it intellectually by reading the whole study. That was the price I asked for participating as a researcher. So I was given the commitment that I would be able to read this thing ultimately. No other researcher got that commitment on the study. Paul

was not given access. I was only given personal access on the basis of this prior agreement. The point then was that I was the only researcher in the country with authorized access to the entire study.

Because of this promise, I was authorized by the Assistant Secretary of Defense to have personal access to the entire study. After all, I didn't steal these documents and I didn't use them for my own profit.

The startling thing that came out of them was how the same sets of alternatives began to appear to each President, and ultimately the choice was neither to go for broke and adopt military recommendations, nor negotiate a settlement to get out. The decisions year after year were to continue the war, although all predictions pointed to a continued stalemate with this kind of approach and thus to prolong the war indefinitely.

That meant that no one President was responsible in the sense that he acted very differently from his counterparts in other Administrations. It came to seem not like Kennedy's war or Johnson's war. It was a pattern of behavior that went far beyond any one individual that held that position.

I think now to a large extent it was an American President's war. It was a war no American President had, let's say, the courage to turn down or to stay out of. From a military point of view, you could say he didn't have the courage to go in to win, but on the other hand, he was assured by intelligence estimates—which checked out pretty well, year by year—that the kinds of things proposed by the military would not win.

The explanation seemed to me contained in the very earliest period—'49 and '50—when we did get involved. There one can see the motivation quite clearly. It was the motivation of the Democratic President not to add the fall of Indochina to the fall of China. The very fact the decision-making looked similar year by year from then on, supported the conjecture that no American President, Republican or Democrat, wanted to be the President who lost the war or who lost Saigon.

*Was this a heritage from the McCarthy era in a way?*

Yes, that's the way it was seen—as a fear of McCarthyism. No question about it.

*When did you get the feeling that the public ought to know what was in the Pentagon papers?*

That came late. I got the last of these documents, which covered the earliest period, in August, 1969, as late as that. It was really reading those at the last that impressed me with how much an American war this had been, with the fact that from the earliest period we consciously were aware, especially in North Vietnam, that we were imposing our own interests on the desires of the majority of the Vietnamese people who wanted peace and who in fact wanted a government under Ho Chi Minh.



*"How could I shrink from being willing to go to prison?"*

But we were consciously opposing those desires for reasons that didn't seem very legitimate. It wasn't until I had read those final documents that I began to think that these papers themselves were highly relevant to the current process, even under Nixon, of getting out.

It was in the early fall of '69 that I began to deliver these documents to the Senate Foreign Relations Committee. Even that was an enormous change for me—to go outside the Executive Branch. It was still within the U.S. Government, but it was a decision for which I expected to go to prison for the rest of my life.

*But you felt it was important enough?*

Yes, because, you see, the documents themselves had the lesson in them, it seemed to me, that Nixon was the fifth President in succession to be subjected to the same pressures that had led four other Presidents to maintain involvement; that his assurances that he had no intention of staying in Indochina were no more to be believed than other Presidents' assurances; that it was a Vietnamese war, and not ours, and that whatever his feelings were as of '69, the more he got involved, the more sure it was that he would stay involved.

*For domestic political reasons?*

Yes, that's right. That's the way I saw it. Now, there are other explanations, but they point in the same direction. One is that he was a true believer, like all the others to a greater or lesser degree, and he really felt it was essential that we not get out of the war. That's an alternative explanation, and they're not entirely competing; they can both be true. They go in the same direction.

Another lesson of the study is, to me, that domestic political considerations were so important to the President that mere discussion or argument within the Executive Branch would never affect that policy. The only way to affect it was to change the political calculations by the President, to change the political pressures. You could think of that very easily as a favor to the President. You could say that if the President wants to get out, the only way to make it possible for him is to assure him that he will not be subject to fatal attack and he will not be attacked by the other party if he does get out.

So my first efforts were entirely along the lines of getting Congress and leading Democrats to urge the President, or even require him, to get out, so that the responsibility wouldn't fall entirely on his shoulders.

I sent a letter around to leading Democrats, urging them, in effect, to take the position: it's not your war, Mr. Nixon; it's our war; we made the mistakes; don't you make those same mistakes. Get us out of it. I was communicating with a lot of Democrats, urging them to come out for total withdrawal. They were quite unwilling.

At the same time, six of us who had been on Vietnam with official assignments put out a letter calling for unilateral

withdrawal within a year. But in the President's speech of November 3, he put his stamp so strongly on the policy, making it Nixon's war, that it was clear he would fight any effort to get out faster. From then on, it meant that you couldn't share responsibility with the President; Congress, if it was to get us out of the war, would have to take almost total responsibility.

Now we're getting very much into the question of responsibility. Congress (including the whole set of doves) recoiled from taking on themselves the whole responsibility for what might happen if we got out of Vietnam entirely. So we have a situation where the President is not willing to share the responsibility. The Congress is, I think, by this time ready to share it with the President but unwilling to take full responsibility. And so on both sides, the war goes on.

I think we could have gotten out two years ago if Nixon had been willing to share the risk. I think Nixon's really a true believer in the cold-war premises and does not feel we ought to get out. And this feeling is reinforced by his political reading of what might happen to him if he did.

*Anyway, your approach to the Congress didn't work.*

It didn't work because Congress did not hold hearings. Frankly, from then on I did try, I won't go into details, but I did try a number of other official channels. I hoped there might be ways of getting the study into the courts. I specifically hoped that some kind of proceedings, not necessarily criminal, but civil suits or injunctions claiming the unconstitutionality of the war, would provide a channel whereby the Pentagon documents could enter public consciousness.

A number of leading lawyers took the attitude that we don't have the kind of documentation that was available to the Nuremberg war-crimes tribunal. I said you shouldn't think it impossible that documents as comprehensive as those available to the Nuremberg war-crimes tribunal would be available. I'd even gone further with some and described the study. In fact, I proposed myself as a possible defendant or witness, if somebody could get a case going, in hopes that the study could be subpoenaed. Nobody rose to that at all.

*Is that when you went to the press, to the public directly?*

No. Actually, I began to do the next two things simultaneously. I began to think the press might be the only outcome, but with the regrettable feature that doing it through the press—I had gotten some legal advice on this—would be the surest way to get myself in prison for a long time.

*Do you expect to go to prison?*

Less than I did when this arose. Now that lawyers have been looking at it, the law on the subject is much less clear than I had assumed it was. It is simply not clear at this point that I have broken any law.

continued



*...and you did two things simultaneously.*

The other was to go back to members of Congress and tell them out on an individual basis rather than on a crowd-see basis. I talked to a number of them and had hopes that they would introduce this stuff themselves into the *Congressional Record* or make speeches on it. That, plus the newspapers. So in the end it came out through the newspapers. That was the result of a year-and-a-half process.

By this spring, I had to say that since the fall of '69 when I started this, 9,000 more American men had died and hundreds of thousands of Vietnamese had died. Moreover, two more invasions had occurred, and it looked like the next thing facing us was the heavy bombing of North Vietnam, which would undoubtedly fail to succeed and might be followed by an invasion of North Vietnam. So again the urgency seemed very great.

Maybe we could go back to one thing. You asked, was I ready to stand this prison sentence? Well, if you start mixing with people who are active against the war, soon you begin to meet a lot of people who are on their way to prison for draft resistance or who have been in prison. I found draft resisters very conscientious, reasonable and not fanatics as far as I could see. They just seemed to feel that they could not collaborate in the war, and were prepared to go to prison.

Now, I said to myself, if I were willing, and it always seemed that I should have been willing, to risk my life, my body, again and again in support of the war when I believed it was right for us to be in the war, how could I shrink from being willing to go to prison to resist the war, when I feel the war is against the interest of the country and that stopping it is our vital interest?

And I just didn't have any answer to that. I didn't want to go to prison, but, on the other hand, I was confronted with the situation where there seemed a very evident way to contribute to stopping the war, and, for that matter, to contribute to the strengthening of our democratic processes, which had been weakened by lying and Executive usurpation in the last 20 years.

*You have been called a "Messianic crusader" with a "martyr drive," an "outlaw." Do you feel you are any of these?*

Not at all. I don't feel that way. I don't really think I look that way to people who know me. But people who, after all, don't know me, say, he's broken a major rule. Why do these questions never get raised about the risks that I did run in combat? And why do they get raised about all these people who are in prison now?

The only difference I can see between them and those who volunteered or were drafted and were subject to the risk of combat is that the soldiers were serving the boss, the commander in chief, and those others are challenging the Executive. God knows, it's the Executive who is sending them over there. And to take personal risks in challenging a figure of authority seems to be perceived by many Americans as mad.

*I keep wondering: Where did you get the sense of responsibility you felt so many times?*

I don't know the answer. I was graduated

from high school in '48, and people who were relatively radical at that time tended to identify with Russia or defend it. And their defenses simply seemed very weak. By the time I graduated from college in '52, I pretty well accepted the cold-war premises. It's clear, as you ask me, that responsibility is a theme in my life. The idea of searching for the truth is also a theme that clearly shows up in many, many forms in my life. In '68 and '69, I began reading some works by Gandhi and about Gandhi, and both themes, of course, are very important in his life and his teachings: truth and responsibility.

*They are both very Jewish themes too, aren't they?*

Could be. And they may be reflected in my training. I didn't have any formal Jewish religious training; I don't know much about Jewish history. There's a lot of Jewish unreligious people around.

*Do you have brothers and sisters?*

Yes, my brother is ten years older. He works for the New York Life Insurance Company. I have a half sister whom I almost never see. And I had a younger sister who was killed in a car accident with my mother when I was 15. My father was driving. I broke my knee. I was in a cast for about a year. In fact, as a result of that, to get into the Marines, I had to have special medical permission. My knee still doesn't bend all the way. In fact, that excused me from firing in a kneeling position in the Marine Corps, which is the hardest position. I was only a sharpshooter with the rifle. But I fired expert with the pistol with both hands.

*With both hands?*

That was funny. The first time, I failed to qualify with the .45, like most people. That irritated me so much that the next two years I fired successively with the left and right hand and fired expert with both. I shouldn't tell this, but that was really suggested to me by a line in *The Secret Life of Walter Mitty*, where he's having a fantasy he's on trial for murder, and his defense lawyer points out to the judge that Mr. Mitty had his right hand in a sling and the victim was obviously shot by a right-handed person. And Mitty's voice is heard in the courtroom: "With any known make of gun I could have killed Gregory Fitzhurst at three hundred feet with my left hand."

*When you were married to the daughter of a Marine Corps general, you were a gung-ho Marine, and I gather from the press accounts that your present wife was a dove before you were. Have your wives been great influences on your thinking?*

Actually not much. I think the fact that I was in the Marines at that point of my life was a coincidence. I do think my former wife enjoyed that life. But on the dove thing, every girl I knew was a dove. That's the way it was. Women have been better on this point than men.

continued



12  
Actually, my wife and I, before we married -- we were engaged at that time -- split up. She was visiting me in Vietnam in '66. She was so appalled by the conditions there that she was always bugging me on how I could participate in that war. I said, after all, I'm trying to improve the situation, and to get more humane and effective policies. All the criticism I was getting from her split us apart. I thought she was unreasonable to hold me accountable for policies I was opposing. Of course, now I think she was right. I was participating even when I was critical. And so we broke up then in '66, and I didn't see her again until the fall of '69, after I had given the stuff to the Senate committee. The change in me was unrelated to her. She wasn't with me during that time. Of course, we would not have gotten close again had I not changed in the years in between.

*Your first wife gave an affidavit against you. Was this vindictiveness?*

I don't know all the reasons. No, it was mainly a desire to keep the children out of it. The FBI apparently gave her to believe that the children would otherwise be brought into it.

*The Times said you underwent analysis and that was the turning point of your life.*

As you can see, I've had quite a few turning points. I did have analysis, but only for a year and a half. I certainly was in no way regarded as having completed it. It was in the '68-'69 period. So you know a lot was happening. I honestly did change during that period in a lot of ways, but it's hard to say exactly what was related to the analysis. I was against the war before I started analysis. In this respect, it's not possible for me to say that's why I did do what I did.

*What has been the reaction you've received? Have you had a lot of anti-Semitic mail?*

Oh, yes. A lot of that. Well, I don't know if I could say a lot. It's been a lot for me. I'm not used to it. To get mail of this sort isn't too pleasant. The fact is that all of the anti-mail that I've gotten so far, all of the hostile mail, has been that kind. I was really surprised at that. In letters I really only get the "nigger Jew" on the hostile side. But on the favorable side, it's from people all over the country who seem to understand very well why I did it and say it was a good thing to do, and thank me for it.

*What you were doing was participating in a conflict with the traditional idea of loyalty to the state, weren't you?*

Loyalty to the President.

Do you mean to identify the state with the Executive? I feel the President has misused Congress and usurped constitutional powers that belong to the Congress, and manipulated Congress to bypass Congress. Something that I want to bring about as a result of this is to restore or strengthen the role of the state by encouraging Congress and the courts to exercise their constitutional responsibilities. I think the courts have been irresponsible in refusing to hear constitutional issues. As the judges read these papers, they won't shirk those responsibilities at

*One person was comparing your act to Martin Luther, in that he went beyond the law of the Establishment, of the Church, and based his actions on individual conscience. In other words, where did you get your authority to do what you did?*

In this case, I would say, one doesn't have to go beyond very human institutional documents, the Constitution and the U.N. Charter, which was ratified by the Senate, and the international conventions we ratified, like the Hague Conventions and the Geneva Conventions. The courts have been unwilling to adjudicate these issues, simply because they do not wish to be in conflict with the Executive Branch.

This has supported a growing tendency by Executive officials to believe that, in the service of the President, they are literally outside the law. They, with the President, have begun to think of themselves as beyond all law and to act like an outlaw. We have an outlaw Executive, a scofflaw Executive. Except that a scofflaw suggests parking tickets, and we're talking about mass murder. That's the situation we're in.

That's why I keep insisting upon this point: It is a mistake for an American citizen to believe that our official actions in Vietnam are the result of the normal processes of the state, but rather, I think, they are the result of an Executive Branch that is acting beyond any restraint by the Constitution.

*But here are five different people who have been elected to this office and made what you regard as similar decisions. Have they all been duped or have they all been evil or been lied to or what are you saying?*

I think you can see it quite simply. Congress, the courts, the press are all put to sleep by the Executive during war. Now, the cold war is seen as having been in effect for the last 20 years. If you give a man such overwhelming power, if you put him in charge of the whole Government, in effect, then he quickly notices that the responsibility for failure is his alone.

We compare a war against 18 million people of South Vietnam and the 19 or 20 million of North Vietnam to the war against Nazi Germany for control of all of Western Europe. When I find a man of the intelligence of Secretary of State Rusk continually talking about Munich and the Rhineland to explain why we are burning Laos down, I am led to guess that the interpretation is one that is very necessary for him, however unrealistic it may be. The reality is that whatever the issues are at stake in Indochina for the United States, they are so far removed from issues we faced in World War II in importance, that they could not possibly justify the fact that we have been led to drop in the last two years more tonnage of bombs on Indochina, mostly in Laos with its three million people, than we dropped in all the theaters in World War II. We dropped a little over two million tons in all the theaters in World War II. Nixon has dropped 2.7 million tons, mostly in Laos, in his Administration. Nixon. And that's while we're winding down the war.



When you read Speer's memoirs, there are certain passages that are almost unbearable. He took a full share of the responsibility in everything the Hitler regime did, though he says he did not know the Jews were being exterminated. He says very strong measures were taken to achieve secrecy on this, but he says this is not at all an excuse. He could have known, and it was his duty to know. He chose not to know. He says he was like a man following a trail of bloody footsteps in the snow and not realizing a murder was taking place.

Those are sentences I think a McNamara would find extremely difficult to read. It must occur to him that the things he did not know were things that he could and should have discovered. It also occurred to me that I had opposed the bombing, but I stayed within the system. I didn't go out and criticize it outside the system.

*You mentioned McNamara. McNamara finally did quit.*

McNamara never did quit. McNamara was fired. Shifted out. No official quit over Vietnam in conscience and told the public what he knew.

The Executive demands only one kind of loyalty—loyalty to the boss. And that's what these people value very highly throughout their lives. To get ahead, to earn your salary, to keep your job.

*On the Dick Cavett show, you mentioned a Los Angeles Times clipping about the Green Beret trial for the death of a double agent in Vietnam.*

Well, it's a long story, but the specific significance of the Green Beret clipping for me was that it focused me on the role of lying by the Executive, automatically, unreflectively, to conceal murder. It had a very strong effect. I read that and felt I cannot be a part of this system any more. I cannot any more be led to lie because superiors or regulations tell me to. I acted almost immediately. I decided that I would reveal the deception of the Executive Branch, the concealment of murder over the last 20 years, to the Congress.

*Was this a solo performance by you?*

I really don't want to comment. From the decision-making point of view, yes, I was the man who had the documents and I was the man who decided to reveal them.

*Didn't you perform an act of civil disobedience?*

That's right. Nonviolent civil disobedience is a way of making a dramatic statement of conscience. In my case, the content of the statement was more important than the nature of the act, but I would be glad if the act itself was an example to some others.

*I've seen you quoted as saying that you feel you were a war criminal.*

I've often said that. I have wanted to make my former colleagues in the Government and the people who are still in the Government feel that they were accountable to the American public for what they were doing. I began to raise the war-crimes issue quite a bit, to interest people in the subject, and I advertised myself as someone who might be available as a witness.

*Is the charge against you now that you had the documents, not that you distributed them?*

That seems to be it; also, that I converted them to my use, which would seem to mean giving them to a U.S. senator, for instance, and later to the press. That shows how unclear the law is. Can they really win a case that I stole the documents when what they are talking about was giving copies of them—not even the documents, the Defense Department still has my set of those—to a United States senator, Senator Fulbright, not for profit? Funny thing. After all, I gave them to the Senate Foreign Relations Committee a year and half before I gave them to the press. That doesn't strike me as the strongest case in the world for the Government to go in with.

*If you are a war criminal, who else is one?*

I wanted to raise that question in people's minds. Implicitly, what I was saying was that even I am a war criminal. I don't want to give myself airs. It would be pretentious to suggest that I'm a very important war criminal.

It strikes me as a very reasonable idea that people who had high staff or command responsibility connected with our Vietnam policy should be denied the right to serve the public as officials on security policy for some significant period of time, 10 to 20 years. And I would think this applies to me.

Let me mention one other thing. I said that when I came back from Vietnam, I saw newsreels of armed choppers with 50-caliber machine guns over our cities, but also of bombings of ROTC buildings and so forth. That faction of the peace movement repelled me because they were so familiar to me. These are people of the same education and class and background as my colleagues in the Defense Department. They had the same tone of tolerance of violence and intolerance toward other humans. And I suppose it's natural for some of them, as people who are against the war, to exhibit many of the same intellectual and personal characteristics of their fathers who applauded the war.

*If you want someone reading this to take a single lesson away from the Pentagon papers, what would you say he should get out of them?*

I will say this: Everybody knows the slogan "Power corrupts." But have we believed it? For Americans? We've really paid very little attention to the possibility that something like absolute power for the President of the United States could be enormously corrupting.

Do you realize that there's not a hint in any piece of legislation, to my knowledge, that says the President does not have the legal constitutional right tomorrow to send out all the nuclear forces of the United States to explode their weapons in pursuit of our national interests? There is no limitation that he has to consult Congress or the courts or the public or the press before he does that. Nobody else in the history of the world has had that degree of power. It's a very corrupting thought.

To give a man, unchecked and unmonitored, a command of such power is, virtually, to tempt him, over time, to use it in pursuit of interests of the United States as he alone defines them or even of his personal interest when it comes to protecting his



What doesn't have to happen is that he should be allowed to think that without any challenge. And that's what has come to happen.

*There is the old dilemma: Do you stay in and fight or do you fight from the outside?*

The Pentagon study taught me that the forces on the Executive and, within the Executive allowing and prolonging this war are so strong that it can be an illusion to think that the war can be stopped from within the Executive. The President himself cannot escape from those forces. Or he is unlikely to. We've got to change them. But to change them, other men have to be willing to take the responsibility, and they are no more willing than the President is, unfortunately.

I was hopeful, in a way that young radicals I spoke to were not, that information might make a difference. That remains to be seen.

*You felt some special responsibility to do something. But what is the responsibility of the ordinary person who reads this article? Does he have any responsibility to do anything else?*

If he is as ignorant next year about how he and other voters got us into this war as he was last year, he should feel guilty about it. I'd rather see him not feel guilty but do what's called for. I think the first step is that he should to some degree inform himself from these Pentagon papers. There is a Bantam book available. It would be ridiculous to expect people to spend the time to read all the documents and become experts on the subject, but to read a good deal of the analytical material, instead of reading something else; I think, should be regarded as a responsibility of an American voter.

Then, I would like to see the voter become aware that his indifference to foreign policy has led to a lot of deaths in Indochina. I would like to see a lot of congressmen told: Unless you commit yourself publicly now to getting us out of this war, I commit myself to voting for your opponent whoever that is and to working for that opponent and supplying money for that opponent.

Another thing. They can support their sons in their resistance to the war; instead of being indifferent or condemning them, they can understand them and support them. They can support draft resisters in their own way. The people who write letters reassuring me certainly made it easier for me to take whatever risks remain. My work isn't done in this area. There is a lot left to do.

You might almost say it is time for the adults of this country to link arms with their sons and do the things that their sons and daughters have been doing for six or seven years now. It's time that we talked about whether fathers are willing to see their sons go out to defend their fathers' masculinity and the country's prestige with their bodies. Parents who are doves are willing to see their sons and daughters be cannon fodder in the peace movement, to go to jail and have their careers jeopardized—without joining them, just as hawk mothers and fathers are willing to see their sons and daughters be cannon fodder in combat, protecting our prestige. It doesn't seem to occur to the adults that the time has come to do something about it themselves. What is to happen to

It's very difficult to find adults anywhere in the power structure who are going to face up to their own responsibilities, their own power to change the war. After all, the young people who are in prison for it right now really remain invisible to their parents' generation, who don't want to see them as an example. If I'm unusual, it is because of my age as much as anything. And that's a terrible commentary.

Most adults have not felt challenged to do anything. Then a few like James Reston recently came face-to-face with the choice that either they were ready to defy the warning of the Justice Department, or they would accept press censorship. James Reston said to me, I'd love to go to jail for this principle. I thought to myself, good for you, Reston. I'm glad that history has brought you to the discovery of the principle of nonviolent civil disobedience. So, maybe some adults are ready to get the word.

*You said there is still more work to be done. What did you have in mind?*

All those officials who say the record of the Pentagon papers isn't complete are, of course, correct. And they should individually take the initiative of completing it by presenting their own files to Congress and to the public. And if they are not willing to do that, I'd like to see the Senate Foreign Relations Committee, or others, subpoena their files and memoranda. Above all, of course, the work ahead is still to end the war.

*Do you believe the motivations of these men were real or just mistaken?*

Oh, I believe they were far more than mistaken. They reflected personal values that are subject to great criticism.

Their "dirty little secret"—as the Victorians put it—is their fascination with power. These are men to whom feelings of power were of great importance. This isn't to say that any human being is immune to such a temptation. But it is clear that these are individuals who were more drawn to power than some other people. When I say that eventually power corrupts, it corrupts precisely by tempting them to pander to that desire for power. To stay in the game. Desires like that—not just for power, but for action, activity, excitement—become an addiction.

*Do you expect men to serve in these positions who don't have that desire, that addiction?*

No, and that is to say how wise the makers of our Constitution were in designing a governmental structure that would pit power-seeking men in one branch against power-seeking men in another branch and thus to some extent restrain them in the interests of the people. To give all power to any one branch, particularly to any one individual like the President, is just asking for the kinds of policy we have gotten.

*Do you want these men who were attracted to power, the Bundys, the Rostows, the McNamaras, punished?*

The punishment I want for them is that which I have had to suffer. I want them to be compelled to read every page of the 7,000 pages of the Pentagon documents, to see their own decisions laid out to end in the context of all the other decisions made during that period. Beyond that, I would like them exposed, as I was, to the human physical impact of



their decisions on the people of Indochina. I would like them to know what happened as a result of the bombing. I want them to see the footage that never got on television of the wounded children, of the defoliation, of the refugee camps, of the impact of this war on Indochina. And then I want them to decide for themselves what they ought to do.

The aim of any inquiry on the origins of the war—and there should be an investigation—should be to help public understanding and to bring about a change in the policies these men pursued, not to add them to the victims of those policies. There are too many political prisoners already.

What's really needed is not new prisoners but amnesty—amnesty for the people who are in jail right now, simply for opposing the criminal policies of these officials, amnesty for the people of Indochina who might still be sentenced to death by these policies in the future and amnesty for all our own sons who may now be sentenced to risks of killing or dying. Some papers, some facts have now been freed from safes. I'd like to see a lot of prison cells opened too.

*Let me ask you one last question. What happens to your own future? What happens to you now?*

The odds are in favor of my spending a long time in prison.

END

continued



14 OCT 1971

## ELLSBERG INQUIRY PRESSED IN BOSTON

### U.S. Grand Jury Expected to Return Indictments

By NICHOLAS GAGE

Special to The New York Times

BOSTON, Oct. 13—A Federal grand jury here investigating how the Pentagon papers reached the press was reported today to be moving closer to returning indictments.

The main targets, according to sources close to the investigation, are Dr. Daniel Ellsberg, who has said that he gave the Pentagon study of the Vietnam war to the press, and Neil Sheehan, whose investigative reporting led to the publication of a series of articles on the study in The New York Times.

The Times has refused to discuss the source of its material.

Witnesses who have been questioned by the grand jury have been shown pictures of Mr. Sheehan and his wife, Susan, and asked if they had ever seen either of them in the Boston area.

Agents of the Federal Bureau of Investigation have also questioned a number of persons in Cambridge on whether Mr. Sheehan occupied an apartment there earlier this year.

#### Boston Transfer Suspected

The grand jury here is investigating the lost because the government believes the transmission of the papers to the press took place in the Boston area.

Dr. Ellsberg, who lives in Cambridge, is a senior research associate at Massachusetts Institute of Technology.

The grand jury here is seeking to determine possible violation of five statutes of the United States Criminal Code. Two involved "retention of public property or records with intent to convert" to private use and "gathering and transmitting national defense information" without authorization. Penalties are up to 10 years in prison and up to \$10,000 in fines.

Two other statutes carry penalties of up to five years in prison and up to \$10,000 in fines. One is known as the general statute that prohibits conspiring to violate any United States law. The second involves possession of stolen property transmitted across state lines.

The fifth prohibits "concealment or removal" of public records and carries penalties of up to three years in prison and up to \$2,000 in fines.

#### Indicted in Los Angeles

Dr. Ellsberg was indicted by a Los Angeles grand jury in June on charges of unauthorized conversion of classified Government documents and is free on \$50,000 bail. Dr. Ellsberg lived in Los Angeles while working as a consultant to the Rand Corporation, a government supported research company that had a copy of the Pentagon study.

While no indictments have been returned, sources said that recent actions by the Government make it clear that indictments are being sent out.

One of these was the replacement of Paul C. Vincent of the Internal Security Division of the Justice Department, as the Government attorney in the case. He is now in charge of both the Boston and Los Angeles investigations.

Warren Reese, also from the United States Attorney's Office in Los Angeles, is assisting Mr. Nissen and is now in Boston.



# Delays, Dilemmas Face Prosecution In Ellsberg Case

By Sanford J. Ungar  
Washington Post Staff Writer

The Pentagon Papers, revealing the Vietnam policy-making process of five American administrations, were first published by newspapers last June. But the trial of Daniel Ellsberg, research fellow at the Massachusetts Institute of Technology's center for international studies who has acknowledged leading the papers to the press, may just be getting under way next June.

If the Justice Department follows through on plans to prosecute others for disclosure of the secret Defense Department study, the Pentagon Papers—with related charges of political persecution and attacks on secrecy in government—could become an issue in the 1972 presidential campaign.

That would be fine with Ellsberg, who hopes to use the courtroom as a forum to explain why he became an opponent of U.S. policy in Vietnam while working on defense research for the Rand Corporation in California.

The federal Espionage Act, under which he is charged, involves complicated questions of intent and judgment—whether, for example, Ellsberg wanted to harm or to help the nation by revealing the Papers—so the lawyers say that the war itself will be on trial with him.

Although the Supreme Court ruled last June 30 that newspapers were entitled to print articles based on the Pentagon Papers, some of the justices stressed that criminal prosecution of those who revealed classified information could nonetheless be undertaken.

The Ellsberg case is delayed in part because Ellsberg's chief lawyer, Leonard Boudin of New York, will be busy early next year on the Ellsberg, Paulina of Central Intelligence for the disclosure of the Ellsberg presidential aide Henry Kissinger.

But another source of delay has been legal intricacies surrounding the case. The government's two separate grand jury investigations in Boston and Los Angeles—aimed at pinpointing others who may have violated the law—have raised more legal questions than they have answered.

Resolution of these legal issues has already postponed the return of any new indictments in connection with the Pentagon Papers and could cause further delay in the Ellsberg case as well.

Assistant Attorney General Robert C. Mardian, head of the Justice Department's Internal Security Division, has appointed a special three-man task force to conduct the grand jury investigations and to prosecute the cases: Assistant U.S. Attorneys David R. Nissen of Los Angeles, Warren P. Reese of San Diego and Richard J. Barry of Des Moines.

During a court hearing in Boston last month, Nissen said the government was after "many, many people," including the "sources, distributors (and) receivers of stolen material."

The prosecutors have declined to identify their specific targets, but speculation and grand jury questions have focused on Neil Sheehan, the reporter who obtained the Pentagon Papers for The New York Times, and on persons involved in arrangements for republication of the papers by Beacon Press in Boston.

Last week, the First U.S. Circuit Court of Appeals in Boston ruled that Idella Marx, who is Ellsberg's mother-in-law, would have to testify in the probe or face an indefinite jail term for contempt of court.

On the surface, it looked like the Justice Department would win the fight over the grand jury. The appellate court said Mrs. Marx no

longer had any basis for resisting a subpoena after the government stated that she was not the subject of direct or indirect wiretapping.

But for the time being, another outstanding order from the same federal appellate court prevents the Justice Department from recalling Mrs. Marx.

That order, now a month old, halted the entire Boston investigation until the Court of Appeals decides a case in which Sen. Mike Gravel (D-Alaska) seeks to place permanent restrictions on the grand jury.

On the eve of the Supreme Court decision last June, Gravel held a midnight session of a Senate public works subcommittee he chairs for the purpose of making the Pentagon Papers public.

The record of that hearing, dubbed the "Gravel Edition" of the Pentagon Papers, was released last month by Beacon Press, the non-profit publishing arm of the Unitarian-Universalist Association.

But the Alaska senator contends that his own congressional immunity was endangered when the grand jury subpoenaed a staff aide and others connected with the Beacon edition.

Gravel also charges that the Justice Department has violated the constitutional separation of powers by using an arm of the judiciary—the grand jury—to perform the executive branch's investigative work against the third branch, Congress.

Several other complex legal problems will remain for the government after the Gravel case has been resolved.

Professors Richard Falk of Princeton and Noam Chomsky of MIT, for example, claim they were overheard during conversations with defendants in other cases where the government has acknowledged wiretapping.

A federal district judge in Boston found that assertion convincing and said that neither Falk nor Chomsky need testify until the Justice Department says whether or not they were subject to electronic surveillance.

Should the government admit overhearing them, but still press for their appearance before the grand jury, a federal court would have to determine whether the questions to be asked them resulted from the taps. Any such

questions would be against the law.

Another issue has been raised by some subpoenaed witnesses who have claimed that as journalists they have an absolute right under the First Amendment to protect sources and avoid testifying.

These witnesses include David Halberstam, a former New York Times reporter and Harpers Magazine staff member who is writing a book about American policy in Vietnam, and K. Dun Gifford, a former aide to Sen. Edward M. Kennedy (D-Mass.) who is chairman of the board of a newspaper to be launched next year.

University scholars who have been subpoenaed, most notably Harvard government professor Samuel L. Popkin, are asserting a similar First Amendment right, saying their sources of information will dry up, if they must appear before grand juries.

The Unitarian-Universalist Association has also served notice that it will challenge the government's subpoena of its bank records on the grounds that it violates the freedom-of-religion clause of the First Amendment.

One of the most serious rebuffs to the government thus far was the recent decision by U.S. District Court Judge Warren J. Ferguson in Los Angeles that Anthony Russo, a close friend of Ellsberg, need not testify before the grand jury unless he is provided with a transcript of what he says.



# A Month in the New Life Of Daniel Ellsberg

By J. ANTHONY LUKAS

September 27

**N**ORMAN MAILER and Rip Torn flounder together in the island grass. Mailer bleeding from his hammered head, Torn's ear half bitten off. They rise and exchange maledictions:

Mailer: Kiss off!

Torn: Walk out!

Mailer: Kiss off!

Torn: I'll leave the kissing to you!

The lights come up. The preview audience at the Whitney Museum moves disbelievingly toward the outer gallery where cocktails and canapés await them among Edward Hopper's melancholy seascapes. I spot José Torres, Buzz Farber, Mailer himself and then, suddenly, Daniel Ellsberg and his wife, Patricia. We wave and shrug our shoulders. Only a few days before, the Ellsbergs had agreed to let me trail them about for a few weeks; but I'm not scheduled to start until the following day.

I ask Ellsberg what he thought of the film, Mailer's "Maidstone." He says he was struck most by the two-page mimeographed prospectus handed out at the door which said "Maidstone" was created out of "a deep and revolutionary conviction" that a film must probe "the mystery of life, in all of its fathomless complexity." Ellsberg says it read like "all those prospectuses the Government prepared for the pacification program in Vietnam—how they were going to win the minds and hearts of the Vietnamese people. This time it's the minds and hearts of the audience. The guys in Vietnam never realized

September 28

MS prearranged I reach the Ellsbergs' 14th-floor apartment on Sutton Place South at 1:15 P.M., in time for us to dash to the airport and catch the 2 P.M. shuttle to Washington where Dan is scheduled to receive the "Federal Employee of the Year" award the night from the Federal Employees for Peace.

But I find him far from ready to leave. He has laid a spiral notebook containing his notes for that evening's speech. For 15 minutes, he ransacks briefcases, bookshelves and a desk piled high with notes and documents for the book he is doing for Simon and Schuster. "This is terrible. I know I had it with me when I went to see the lawyer yesterday." But no luck. We're going to miss our plane, so I phone for reservations on a 2:30 flight. (I'm reminded of the afternoon I phoned to broach the proposal for a magazine piece. Ellsberg said he had to catch a train and couldn't talk long, but he talked nearly 10 minutes. Then he called an hour later to say, "We missed the train. You might as well come over now.")

We are to be joined on the trip by Peter Schrag of the Saturday Review who has been interviewing Dan that morning. While Ellsberg continues his hunt, Schrag and I admire the apartment, actually Patricia's bachelor digs (she is the daughter of Louis Marx, the millionaire toy manufacturer). The Ellsbergs, who now live in Cambridge, have kept it as a New York pied à terre and refuge for 14 years. In case Dan goes to jail after his trial next spring for unlawful possession and use of the Pentagon Papers. Meanwhile, it's quite a pied à terre. Three large windows present a spectacular view of the East River. The floor is expensive hardwood. Two deep brown leather couches confront each other across a square glass coffee table under a silver lamp arched halfway across the room. On a

dining table near the windows, a French maid has now set lunch: Melan, chicken, tomatoes, ginger ale. But we barely have time to munch some chicken before rushing to the airport.

IN the taxi, Ellsberg betrays some disappointment about this evening's event. Leaders of the Federal Employees for Peace report difficulties in rounding up an audience. Most Government agencies have refused to let them post notices on their bulletin boards. "It's too bad," he says. "I'd hoped they could use my appearance to do some real recruiting—particularly at State, Defense and the C.I.A. I wanted to see posters with my picture on them all over the Pentagon: 'Come hear Dan Ellsberg speak for peace.'"

About half an hour before the banquet is due to begin, we enter the ballroom of La Grana, a catering hotel four blocks from the White House. Ellsberg learns to his delight that the evening is a sellout, more than a thousand people are expected. Now, he's a little worried because he never found his notebook and still hasn't written his speech.

"Couldn't I just find a little room here where I could eat alone and write?" he asks.

"Oh no," says Susan Strauss, one of the evening's organizers. "All these people want to watch you eat."

At 8, the ballroom is packed with lawyers from the Justice Department, desk officers from State, tax men from Internal Revenue and squads of flustered secretaries. When Ellsberg walks onto the rostrum they give him a standing ovation.

I find myself sitting next to Richard Stewart of The Christian Science Monitor (who is the New Republic's T.H.B.). Stewart tells me that back in July he sat a whole cell from

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how badly they failed. Do you think Mailer realizes how he failed?"

Abruptly, he's off on a different tack. Rip Torn, eyes squinted, clearing his throat, is in the center of the room, his hand on his hip, his mouth open in a wide grin. "All through it I kept jabbing Pat and saying, 'If Mailer can do it, anybody can do it.' Maybe I should



Ellsberg after Street did a run for the Monitor saying, "Would Ellsberg look to one observer like the kind of individual who always believes his latest conviction is the one true faith that wizes out all the heresies of the last. He will probably live for it, and go to the stake for it." Street says Ellsberg called him to object. "He doesn't like to be described as intense. He doesn't want people to think he's a nut."

Across the table sits a blind girl from Housing and Urban Development and her girl friend. The friend is describing Ellsberg. "He's this lovely soft man, with a beautiful half smile." The blind girl listens intently. "He's such a mixture of strength and gentleness, and, oh, he looked at me." The blind girl's face lights up with a scrupulous smile.

THE program begins. A man from Treasury presents Ellsberg with a huge paper-tatched stamp marked "Classified" and a large scroll. He says, "Our feelings are perhaps best summed up by the code of ethics of Government service which, incidentally, we are told is posted in all Federal penitentiaries" (a ruffie of merriment laughter, in which Ellsberg joins). "The code states: 'Put loyalty to highest moral principle and to country above loyalty to persons, party or Government department.' We present you with this scroll which states the language I have just quoted and also states: 'To Daniel Ellsberg, for exemplifying the highest ideals of public service and in grateful recognition for distinguished public service to the American people. Federal Employees for Peace.'" The employees rise and give Ellsberg a 50-second ovation.

Then up gets Ellsberg, stripped to his blue and white shirt and clearly moved by the occasion. "Brothers and sisters," he begins in a shaky voice, "I am really high on you . . . I had expected a lot of gray people with bags over their heads. So I prepared notes appropriate to a very depressed audience. But I had a letter from the network I stepped into this room tonight that this is a celebration" (the crowd thunders its assent).

Then he launches into a

Government service. He recalls that he received his first important clearance while stationed with the Marine Corps in the South Pacific in 1955. As training officer, he prepared training schedules and then plotted each unit's activities in colored lines on a chart. "They'd say we've been getting 28 hours of squad tactics and 14 hours of field sanitation. And I know perfectly well that none of that had happened. There was no training going on. . . .

"But it was tremendously good practice for years later in Vietnam when I was busily recording how many handsets had been pacified, looking at records that said the Vietnamese Army had performed 1,470 small unit actions that week, the next week 2,280. But I had been out in the field enough by that time to know that there were no—no—small unit actions going on, no patrols.

"And I was still in a state of mind that thought: This is terrible. The President isn't getting the truth. I had this impression 'if only the czar knew.' . . . I was still involved in doing what I'd been doing for 10 years before that, with Rand as a consultant, with the Defense Department, with State—trying to get the truth to the President. . . . I remember when I went to the Rand Corporation from graduate work at Harvard, one professor said, 'You've sold out,' and I told him very seriously that serving the President was the most important role a person could play. . . . But reading 7,000 pages of the Pentagon Papers has shown me that the President of the United States is part of the problem."

Four blocks from the White House, 1,000 Federal employees cheer, whistle and stamp.

### September 30

Ellsberg is scheduled to fly tomorrow to Chicago where Ellsberg is to pick up still another award—the one from the Business Executives Move for Vietnam Peace. But at the last moment he calls to say he is going today by way of Los Angeles so he can attend a hearing for his friend, Terry Renshaw, who has been in prison since Aug. 16 for refusing to tell a grand jury about his role in breaching the Pentagon

Ellsberg is eager to fly on a 747. At C.P.A. he board one of United's big jets and no sooner are we settled in our first-class seats than Ellsberg trots up the stairway to look at the lounge. He returns shaking his head and muttering "incredible." Rising above the clouds, the plane now passes into the warm red glow of the setting sun. "I must say the 747 puts on the best sunset I've ever seen," Ellsberg says. "I must compliment them on their sunsets."

ON the stewardess—who has recognized him and is more than normally solicitous—begins to ply us with refreshments. Ellsberg usually drinks very little, but in honor of his first 747 ride, he orders sherry, then champagne. He holds the champagne glass up to the window, catching the dying red glow and swirling it there among the bubbles.

He begins reminiscing about the evening in Washington with the Federal employees. "God, I was moved by these people. They're my kind of people. They've made, or are making, the same transition I made and it's important for me, I guess, to find that echo out there." But then he talks about his former colleagues in the Federal Defense Establishment and at Rand. "I've heard from almost none of them and the one or two I've called have been noticeably nervous. One I asked for lunch said, 'Look, Dan, you'll understand if I don't want to see you until this thing blows over.'"

"Most of my friends in Government regarded themselves to some degree as rebels and mavericks—telling hard truths to power—but always within the framework of the larger organization. Many of them now realize that organization is not serving human needs, but they feel they can't step outside. That makes me very sad. A lot of them look at me with a kind of horror, as you would at an astronaut who stepped out of his space capsule and cut his umbilical cord and just floated off into space, drifting into a black void, cut off from air, from nourishment, from NASA, unlinked to fact, from that on-the-edge-of-space. That is developed in this country since World War II.

"It's very much the way I

trained to be a pianist until I was in my mid-teens, you know, practicing four hours a day, 12 hours on Saturday. My mother had wanted to be a concert pianist and she was determined that I should be one. Occasionally, people would be pointed out to me as having given up the piano and I regarded it as like signing a pact with the devil, it was unearthly. I wondered what they did all day? What meaning could their lives have? That's the way my old friends at Rand must look at me today. But I can assure them, my life does have meaning. You can breathe out here."

The stewardess pulls down a screen and onto it flashes the National Football League's Game of the Week—Chicago vs. Minnesota. I pick up my earphones, a sticker as always for gridiron melodrama. But Ellsberg starts flipping idly through The New Yorker. "I'm not a sports fan," he confesses. "Maybe because I never played them much as a kid. Because of the piano, I could never do anything that might hurt my hands."

"But when I was 15, my family was in a car crash driving back from the Fourth of July. My mother and sister were killed outright. My father, who was driving and apparently fell asleep at the wheel, had just minor injuries and I broke my knee. I can remember standing in the wreckage, looking down at my mother and thinking, 'Now I don't have to be a pianist any more.'"

"The next summer, I spent a month stacking hay in Montana. It was the first time I'd ever really used my hands in hard physical labor. That was very important to me. But after a full day wielding the pitchfork my hands were bent into claws. I could hardly move my fingers. My next chore was milking the cows and I can remember how marvelous it was to let the warm milk trickle down over those bent claws of mine and gradually unlimber them."

The Bears and the Vikings are followed by a movie and Dan and I adjourn to the upstairs lounge. We pick up soft drinks and cheese from the table and settle ourselves on a red banquette against the yellow chevron wall. Ellsberg starts talking about his family again. "Once I



ther had come here from Russia. 'To be free,' my father said. 'He didn't want to be drafted into the Imperial Army for seven years. We came to be free.'

At that, he reaches into his briefcase and pulls out a paperback copy of Howard Bayly's "The Ideological Origins of the American Revolution." Turning to the last paragraph, he asks, "Have you ever read that? I've read it a dozen times, but it still moves me so much I can't read it out loud without weeping." I begin reading from the point marked by his long index finger.

"But some, caught up in a vision of the future in which the peculiarities of American life became the marks of a chosen people, found in the defiance of traditional order the firmest of all grounds for their hope of a fiercer life. . . . It was only where there was this defiance, this refusal to truckle, this distrust of all authority, political or social, that institutions would express human aspirations, not crush them."

A FEW minutes later, our jet lumbers in for a landing at Los Angeles Airport. Ellsberg goes to the Avis counter to rent a car. A young, Avis employe with a droopy mustache recognizes him immediately and leans over to say, "I'd like to shake your hand, Mr. Ellsberg." Used to this sort of thing by now, Dan takes the proffered hand and says softly, "Thank you." (But I detect a faint disappointment that the young man's adulation is not shared by the willowy California blonde who goes on booking Dan's car without so much as a glance.)

Ellsberg rents a pea-green Mustang convertible. Out front, he promptly hauls down the top, slings his jacket in back, flicks on the radio and wheels the little car onto the road. Suddenly, it's a different Dan—a freer, jauntier, more exuberant man whom I now can easily imagine on the Malibu beach where he lived for three years after getting back from Vietnam in 1969.

At Los Angeles Airport parking lot and he recalls an incident there several years ago with

Tran Ngoc Chau, a member of South Vietnam's National Assembly and Ellsberg's closest Vietnamese friend. "We were coming into this lot and as I took a ticket from the slot and the barrier went up, this recorded voice came out of a loudspeaker saying, 'This is your ticket. Do not lose this ticket. Do not leave your car. Thank you.' When we got through, Chau said, 'Impossible,' slowly like that in four syllables, 'Impossible, that America should lose the war in Vietnam.'" (Chau was arrested in 1969 and given a 10-year sentence for having maintained contact with his brother, a convicted Viet Cong intelligence agent. Chau acknowledged the contacts but said he had kept the American Embassy and the C.I.A. informed of them. Later, the Supreme Court annulled the sentence, but President Thieu refused to release Chau. Ellsberg says the Chau affair was one of the turning points in his attitude toward the war.)

Ripping down the freeway now, the radio blares out the romantic strains of a Russian love poem. "Ah," Ellsberg shouts with joyous recognition—and with the polish of an album blurb—"Glière's 'Ilya Muromets,' a peasant from the primeval forest of Murom who lies paralyzed for the first 30 years of his life and then, commanded by two holy wanderers, sets forth on a life of heroic adventure."

A few minutes later we glide into Westwood. He points toward a black block in the night. "See that Post Office? I mailed some of the papers to Senator Fulbright from there."

In the neon glare of a car wash, he goes into a phone booth to call Robert, 14, and Mary, 12, his children by his first wife (the former Carol Cummings, daughter of a Marine General, whom Dan married when he was 19 and divorced in 1966). But there is no answer.

So he decides to get his hair cut instead. It's already nearly 11, but Ellsberg knows a girl in Westwood, a songwriter who is studying to become a hairdresser. We drive to her house where we find her in the kitchen with a old friend of Pat's—Ellsberg's, a movie actress named Ellen.

While Dan sits in a kitchen chair getting his frizzly, graying hair trimmed by the songwriter, Ellen tells us about a visit she had the day before from two F.B.I. men—a common experience these days for the Ellsbergs' friends. "They wanted to know what Pat and I do when we're together," Ellen reports. "So I told them in detail all about our shopping expeditions and our lunches. That wasn't what they had in mind. So I told them about my two parts on 'The F.B.I.'—you know, the television series—once as a gangster's girl friend, once as an F.B.I. man's wife. They were fascinated. 'You don't look like any F.B.I. man's wife I know,' they said."

Ellsberg is fascinated too—by the F.B.I.'s apparent ineptitude. "They're really floundering around," he said. "Can you believe, they still don't know the five places I stayed when I was underground in June."

At 12:15 A.M., he finally reaches his children and drives off to see them. I head for my hotel.

### October 1

AT 10, I meet Ellsberg in Judge Warren J. Ferguson's wood-paneled courtroom in the Los Angeles Federal Building where Tony Russo's hearing is scheduled.

Russo's case is complicated. The 34-year-old engineer makes no secret of his role in helping to Xerox the Pentagon Papers, but when summoned before a grand jury last summer, he refused to testify about it behind closed doors. For this, he was convicted of contempt of court and sentenced to prison until he agreed to talk. For the past 18 days, he has been fasting in his cell to protest the events at Attica, and now his lawyers have devised a formula which they hope will get him out: He will testify so long as he is provided with a transcript of his testimony from which he can quote in public.

A few minutes later, marshals bring in Russo—a rumpled figure with straggly brown hair and walrus mustache.

The proceedings are surprisingly brief. Russo's lawyer, a man named John J. The Assistant United States Attorney makes his expected

objections. Then Judge Ferguson promptly grants the petition and sets Russo free. A cheer breaks out from Russo's supporters in the courtroom. Ellsberg rushes up the aisle to embrace his friend and they walk arm-in-arm into the corridor where Russo holds an impromptu news conference.

In their first private moment together, Ellsberg persuades Russo to celebrate freedom with a trip to Chicago. The flight leaves in an hour. So they and three women leap into the pea-green convertible and wheel off down the Santa Ana Freeway. I follow in a Porsche driven by a German-born systems analyst. The two convertibles play tag along the freeway, with much waving and hallooing back and forth.

A knot of Ellsberg's and Russo's friends are at the airport to see them off. Then one rushes up to report that "the guys from Bekins are here" (he refers to several F.B.I. men who showed up 10 days before at the Bekins Moving and Storage Company in Los Angeles with a search warrant to seize 28 boxes of Dan's personal possessions).

Dan, Tony and I move through the gate toward the plane, when suddenly one of the "guys from Bekins" leans from behind a pillar and starts taking pictures. Tony stops in his tracks and shouts, "Hey, come out and I'll pose for you." The snapshot artist ventures forward and Tony says, "I want you to give J. Edgar a message for me," upon which he raises his middle finger.

A STEWARDESS leads us to one of American's new "conference clusters," lounge chairs which can swivel around a circular table. When we are airborne, Dan pulls a manila envelope from his briefcase and, smiling broadly, says, "Look what somebody handed me at the airport." The envelope contains two papers marked "Rand Document—for Rand use only," and a note saying that the documents, both written by Dan when he was with the company, will be read over a Los Angeles radio station the following week.



I flip through the first document, "Some Prospects and Problems in Vietnam," February 18, 1962, a time when Dan was already developing serious doubts about United States involvement in Vietnam. It read in part: "In discussions in the Pentagon, the spring of 1955, I had been one of those in favor of sending United States combat forces to Vietnam. . . . After 10 years as a cold warrior, at Rand and in the Marines before that, I had a personal desire to beat the Communists, this once, this place. . . . I could not believe that the United States could fail in the end to solve the problems that the French had not solved. Well, I am disabused of that notion now."

While I read, Russo begins to recount his prison experiences. Ellsberg, with an obvious personal interest in the subject, questions him voraciously:

Ellsberg: "When you first came in did the prisoners show an interest in you?"

Russo: "They knew who I was. They knew what I'd done and they trusted me. They'd say, 'Man, how did you rip off those papers' and I'd smile and say, 'What papers?'"

A stewardess comes to take our lunch order. "Will you have veal Françoise, chicken coconut or filet mignon?" she asks Russo.

"Tell you what I'd like," he says. "A glass of milk."

"Milk?"

"Yes, I'm fasting."

"Oh," she says. Clearly she has never had a faster before.

A few minutes later, the Flight Service Director comes over. "Well, gentlemen, how have you found our conference set-up? We find it works very well for gentlemen who wish to congregate for business."

"Or conspiracy," Ellsberg says with an English grin.

At Chicago's O'Hare Field, we are met by two black men representing Business Executives Move for Vietnam Peace. As they drive us into town, Ellsberg tries to put them at ease. "I was born here," he says. "I used to play at Lincoln Park."

"Oh yeah," the driver says.

"Over there by the Gold Coast, where the rich people live."

Ellsberg smiles nervously. (His parents weren't exactly rich. His father was a structural engineer, his mother a private secretary; they eventually settled in Highland Park, a middle-class Detroit suburb.)

At the Executive House, a hotel on the edge of the Loop, Ellsberg is led immediately to the press room for a television interview. "Will your trial be anything like the Chicago Seven trial?" the interviewer asks predictably.

"Many people have tried to raise the issues of the war in court and have failed. But those issues are so central to my trial that I have every expectation that the judge and jury will address them this time." (In fact, Ellsberg hopes to introduce the Pentagon Papers as a major defense exhibit and use the trial as a forum for educating the public on the war.)

When

Dan— and Patricia, who has flown out from New York to meet him—are whisked to Orchestra Hall for the "American Peace Awards." I join them later in their red-velvet-lined box for what turns out to be a gaudy extravaganza, a kind of Academy Awards of Peace. Outside, on Michigan Avenue, a giant spotlight probes the Chicago sky. Inside, more spotlights pick up the winners as they come on stage beneath a huge Peter Max banner (four white doves fluttering around a young girl seated on the edge of a flower-bedecked cliff and wall down red carpets to a microphone at center stage where the master of ceremonies, Ramsey Clark, presents them with the golden awards. A rock group, a folk singer, poetry readings and recitations from the Catonsville Nine transcript stretch the production to four hours. But Dan seems to enjoy every minute of it.

The 15 award-winners—among them, Joan Baez, Benjamin Spock, Wayne Morse, Prof. George Wald, David Schenck and John Kerry

of the Vietnam Veterans for Peace—each deliver a little, or not so little, acceptance speech. Miss Baez provides the evening's only real excitement by laying the two American flags—on their poles—flat on the stage, explaining, "These flags are an obscenity. They are not sacred. Our lives are sacred." Many of the 1,200 spectators applaud her but some of the Businessmen for Peace, who paid up to \$25 an orchestra seat, shout for the flags to be put back up. Two men finally go on stage and set the flags upright. She puts them down again. Later, Ramsey Clark and Representative Pete McCloskey put them back up, and there they stay while McCloskey introduces Dan, who gets a 70-second standing ovation, the longest of the evening.

Ellsberg comes on stage carrying a large paper-bound book, the first of 12 edited volumes of the Pentagon Papers which the Government

66 Ellsberg is fascinated by the F.B.I.'s apparent ineptitude. "They still don't know the five places I stayed when I was underground in June," he says. 29

Printing Office has now issued. "It came out on Monday," he explains. "I was in Washington and I went over to get my copy. It cost \$80, a lot cheaper than Xeroxing. It was a very strange feeling for me to carry this heavy box out of that office. I had carried those same pages before." Dan says he wishes some Congressmen would do just what he did that day, "carrying it on their shoulders, in a box, maybe around the Capitol, to feel in their arms just how heavy is the record of 25 years of classified lies and brutalities."

He recalls that when he first read those volumes "I realized how many men had

died because those pages had been stamped top secret and because generations of bureaucrats like me kept them secret. . . . I realized that I had to reveal this information even if I had to go to prison for the rest of my life. . . . I needed some help. Fortunately I had a friend named Tony Russo. That morning, I went over to Tony's apartment and I said 'Tony, do you know where we can get a Xerox machine?' and he said, 'Yes' and that night we stayed up all night. That was two years ago today, the night of September 30 to October 1, 1969."

With his deft touch for the dramatic, Ellsberg then introduces Russo. But this proves to be a mistake. Out of prison barely 13 hours, already in the 19th day of his fast, Russo rambles on for nearly 40 minutes until people start shouting for him to sit down. Dan finally moves in to cut his friend off, but gently and lovingly, putting his arm around Tony's shoulders and telling the audience: "When you do something, I wish you a friend like this hungry and very brave man."

After the program, the award-winners and a few Businessmen for Peace are invited to late supper at Hugh Hefner's famed Playboy Mansion. Not surprisingly, some—notably Joan Baez and Dr. Spock—decline the honor. But Ramsey Clark, Pete McCloskey, John Kerry, George Wald, Wayne Morse, Dan, Patricia and Tony do gather in the great baronial hall shortly after midnight. Hefner, in black slacks and embroidered shirt, greets his guests at the door. There are no bunnies in attendance, just one striking blonde who is introduced as January's Playmate, and several other women guests.

After an hour of drinking, some people begin drifting downstairs to the heated pool and cozy bar which looks into the pool's blue waters through a large window. I'm sitting at the bar talking with Patricia and John Kerry when suddenly Dan appears at the window, in one of the Mansion's brown bathing suits, making fish eyes at Patricia. A few minutes later he is followed by Tony Russo and

Continued



...the World. I can look back to when I was a little girl, when Patricia, turning around, I see two naked women at the window. A picture of the American peace movement in 1971—Ellsberg, Funes, Wald and four breasts bobbing in their water.

As usual at the Mansion, it's all antiseptic. No real sex, not even any touching. Soon everybody is dressed and upstairs for the buffet supper. Gradually, most of the guests drift off. At 3:30, only Hafner, Tony, Dan, Patricia and I are left at the long table. "Like to see my private quarters?" Hafner asks. Dan and Patricia nod enthusiastically and Hafner leads us through his bedroom, with its famous revolving bed, down a spiral staircase to the "Roman Paths" and their control panel which can set off a spectacular panorama of showers, sprays and neon lights.

At 3:45 A.M., Hafner sends us home to the Executive House in his chauffeured limousine.

## October 2

EVERYBODY sleeps late. At 1 P.M. we head for the Merchandise Mart where Ellsberg and Russo are to appear on Irv Kupcinet's television show, a two-and-a-half-hour potpourri which this week includes Lawrence Welk, Rex Reed, George Reedy and B. B. Shriver.

Kupcinet asks whether Dan should introduce him on the air as "Dr. Ellsberg." Dan asks Patricia, "What do you think, do we want to keep rubbing my doctorate in the Justice Department's face?" Patricia thinks a moment. "Sure. Why not?" Dr. it is.

Ellsberg and Russo are to be on a segment with Reedy, Lyndon Johnson's former press secretary. Ellsberg is delighted because he greatly admires Reedy's look, "Twilight of the Presidency," which he considers an important demystifier of the Presidency, a powerful antidote to Richard Neustadt's "Presidential Power," which he once revered.

On the air, Ellsberg tells us that his book demonstrates that there is nothing about "power corrupts, and all men are corrupt," but one which most Americans don't think applies to America.

Kupcinet asks whether his experience has made him "lose faith in the American democratic system." And Ellsberg says, "Quite the contrary. I've discovered parts of our democratic system that I'd forgotten about during my years in the executive branch—Congress, the courts, the press."

After the show, we walk along the Chicago River. When we reach the Marina Towers, two striking round apartment buildings, Dan says he'd love to go up top and look around. At the door, he suddenly turns to Tony, waving his edition of the papers, and says "Hey, we could do what we've always wanted to do with these," and Tony says, "Wow, it would be beautiful from up there." While Dan goes to see if we can get up to the roof, Tony explains that "when Senators and others were refusing to make the papers public, Dan and I talked about taking all 7,000 pages up in a helicopter over Los Angeles, and dropping them one by one. People could then take them to some central place and assemble them into a 'People's Copy' of the papers." Just then Dan comes back to report that there is no way to the roof.

On our walk, Dan and I chat about Ramsey Clark who impressed me last night. I remark on the graceful apology he offered to Dr. Spock, whose indictment for aiding and abetting draft resistance he had gained only three years ago.

"Well, he has a lot of things to apologize for," Dan says.

"Perhaps," I say, "but certainly you'd be the first person to concede that people change."

"Yes, but Clark could have done something for peace while he was in power."

"But, Dan, what did you do while you were in power?"

He shrugs and concedes that Clark may be more impressive than any of the prospective Democratic candidates for President.

Dan pauses on the steps of a Christian Science church. "Ah," he intones with a finger raised. "The First Church of Christ, Scientist." He recalls that he was raised a Christian Scientist. "My parents were Jewish, but mother converted to Christian

Science and she, in turn, converted my father. I got a heavy dose of it when I was a kid. I don't think I ever saw a doctor until I broke my leg in a car crash. The reason I still have this scar on my forehead is that my father wouldn't let them stitch it up until my uncles arrived and insisted." Dan thinks his Christian Science upbringing may have instilled in him a certain "sense of responsibility," but he is repelled by the religion's bland optimism. "It's no coincidence that Haldeman, Ehrlichman and two other White House staff men are Christian Scientists."

In the hotel lobby, Ellsberg runs into John Sack, an old friend from both Harvard and Vietnam days, who is on the road publicizing his new book on Lieutenant Calley. They agree to have a drink that evening. Ellsberg is not entirely pleased with the counter. Although he likes Sack personally, he abhors the book which he thinks is a dishonest attempt to exonerate Calley.

At 7 P.M., we gather in the lounge on the hotel's 39th floor. Over Bloody Marys, the discussion begins in a low key, on Sack's contention that destruction of villages in Vietnam was official United States policy (which would lift some of the personal responsibility for the My Lai massacre from Calley). Ellsberg says there is no evidence such destruction was official policy in Vietnam, although it was in Laos.

Then they start on Sack's argument that Calley and his men were genuinely frightened at My Lai, fearful that the civilians they found might turn on them at any moment. Ellsberg vehemently denies this. "I've just never heard of that in Vietnam. I don't mean that only males over 17 pull the triggers for the Vietcong. Some women and children certainly do. But they aren't the women and children you see wandering around the villages when the troops march in. The combatants know enough to get out."

Voices and feelings are rising. At 8:30, they part cordially, but a bit coolly. Dan, Patricia, Tony and I head for the Hyde Park apartment of Iqbal Ahmad, a Pakistani scholar who is a fellow at the

Adlai Stevenson Institute here and one of those indicted with Rev. Philip Morrison for conspiracy to kidnap Henry Kissinger and blow up steam tunnels in Washington.

Ahmad, a renowned cook, serves us chicken, rice and red wine out of a big jug. Halfway through dinner, we are joined by Staughton Lynd, the radical historian, and his wife. Ellsberg and Lynd talk about how the Pentagon Papers could be made an issue at the upcoming meeting of the American Historical Association.

Late in the evening, we gather around the television set to watch Ellsberg on the Kupcinet show. At one point, Kupcinet asks Ellsberg what positive effects he thinks the release of the Pentagon Papers has had, and Dan suggests that they may have helped create a climate in which the public could accept Nixon's trip to China. This annoys Ahmad, who asks Ellsberg whether he really thinks the Nixon trip is such a favorable development. Doesn't he realize that China and the United States are preparing to deal with each other at Vietnam's expense? A bit taken aback by the fervor of Ahmad's radical critique, Ellsberg admits he hasn't thought the matter through.

## October 3

THE Ellsbergs and Tony have been invited for Sunday brunch at the home of Al Dooth, a Chicago leader of Business Executives Move for Vietnam Peace. Again I tag along. Ahmad is there too and so is Studs Terkel, the Chicago author and radio interviewer.

After brunch, Terkel sets up his tape recorder on the coffee table and starts a rambling interview with Dan, Tony and Ahmad. At one point, Dan and Ahmad start reminiscing about their first meeting—at an April, 1968 Princeton conference on "Revolution in a Changing World." There Dan also met Jonaki Tschammerl, an Indian girl who had a profound influence on him (particularly when she said "In my world, there are no enemies").

Now, he recalls, "she gave me a vision, as a Christian, of a different way of living and resistance, of exercising power nonviolently. And as I



it at that time, Martin Luther King began to seem to me to be our last hope. And he was killed that weekend. You were with me then," he says to Ahmad in a choked voice.

"All right, when did I see you next? It was in this town, at a conference of the Adlai Stevenson Institute. By that time, June of 1963, I'd been working a good deal behind the scenes on the Vietnam policy speeches of Robert Kennedy. And then I saw him as the hope. So"—he brushes a hand across his face—"so it was while we were here that Robert Kennedy was killed. That's a way to feel powerless. . . . So I spent that summer with girls. What I was doing with one girl after another was trying in some way to remind myself . . . that one could have purposes or satisfactions that were entirely apart from politics."

(One of Ellsberg's oldest friends, who visited him in Malibu that summer, recalls, "He'd take you aside at every opportunity and tell you how he'd suddenly discovered that it was nice on the inside of a woman's legs, as though he was the first person to find that out. Of course, that's typical of Dan. Ever since I've known him, he's had this almost evangelistic need to communicate to you the truth he's just discovered. I suspect, that's the way it was with the Pentagon Papers. He couldn't stand having the truths he'd discovered in them hidden from the public view.")

The interview goes on and on through the long afternoon. Once, while Terkel is changing reels, Dan gets up to play Chopin on the piano. Late in the afternoon, Tony breaks into tears while describing his prison experiences. Dan reaches over and lays a hand on his shoulder. "I know just what you're going through. You cry at the same things I do these days."

We miss our 5 P.M. plane. We also miss the 6 and 7 P.M. planes. Finally, Al and Gloria Booth drive us to the airport. Parting, Dan warmly embraces both Booths, whom he met for the first time only 48 hours ago.

#### October 6

Dan and Pat have dinner at a Greek restaurant in

Greenwich Village with Amie Hoffman and Jerry Rubin. I don't know, but hear about it later from various participants. Long talk about conspiracy theory, politics, Rubin's recent trip to China, radicals' plans for an anti-demonstration in that year. They differ on tactics, Dan expressing considerable skepticism about the planned demonstrations at the Republican convention next summer. But despite their differences, Jerry Rubin says later, "I really dig Dan. What impresses me most is his openness. He's very eager to learn."

Not all radicals share Rubin's enthusiasm for Ellsberg. Some point to his past complicity. Eric Mann, a former Weatherman, wrote last summer: "We shouldn't get carried away with enthusiasm for the man . . . Hundreds of thousands of my comrades are buried in Vietnam because of the Ellsbergs who

66 Ellsberg's secretary brings the day's mail, which contains a curiosity: The first page of the draft that Ellsberg came across which is not also anti-Semitic. 99

ran this country. The first step of Ellsberg's radicalization was not an attack of moral scruples, but the gnawing, horrible fear that he was a loser, that he had picked the wrong side."

Others note that he is not a systematic radical. Howard Zinn and Noam Chomsky, Boston radical intellectuals with whom Ellsberg has grown very friendly during the last two years, note his failure to develop a coherent radical analysis. "Dan is chiefly interested in reallocating power between the executive and legislative branches," says Chomsky. "That's pretty much the political science, too, for me." But both note his doing, except for his participation in last year's May Day demonstrations in Washington. Chomsky recalls:

"Howard and I, who've been in the Movement for years, kept asking ourselves, 'What the hell are we doing here disrupting traffic?' But Dan maneuvered our little affinity group like a platoon in Vietnam."

And even those in the Movement who don't know what to make of a reformed cold warrior like Ellsberg besiege him with speaking invitations. Joan Libby, who schedules such engagements for him, says, "They know he's a superstar, times are bad, and superstars are rare."

But some of Ellsberg's friends are palpably disturbed by what one calls his "indiscriminate hobnobbing with radicals of any stripe." They feel such associations destroy his credibility with the moderates to whom he initially had such appeal. "You're a bridge and you're burning one end," a Harvard professor recently warned him. Another long-time friend thinks he understands the roots of such hobnobbing. "Dan's always been at the cutting edge of whatever he's doing and it gets lonely out there. I can remember when he was first applying games theory to defense strategy. He was very proud of the top Washington officials he had dinner with. Now he loves to dine with the big names in radicalism. In both cases, he needed a legitimizing audience, a community which accepted him."

#### October 8

DROP by the Ellsbergs' apartment on the third floor of a large frame house in Cambridge. While Dan dictates letters to his secretary at a handsome oak table, he lets me prow around the apartment.

It's bright, tastefully decorated, deeply imprinted with Dan's personality in a way that Patricia's New York flat is not. The front room, lit by a large picture window, has a white corduroy couch, a cluster of wicker chairs with colored cushions, an elaborate stereo system with five boxes of records (lots of Bach and Mozart, but a heavy scattering of new rock and folk records). A narrow hallway, off which are a tiny kitchen and the bathroom, leads to a back room cluttered with desks and filing cabinets. On one wall is

a periodical rack filled with carefully stacked back issues of the New Republic, the Washington Monthly, The New Yorker, the Congressional Record, Foreign Affairs, Playboy and The New Leader. On one desk is a pile of Dan's as-yet-unframed photographs—ethereal shots of blossoms, leaves, fields; Patricia in a waterfall, in bed, with a white kitten on her shoulder.

On a bulletin board is a Robert Lowell poem—"R.F.K. 1925-1963"; a child's note ("Dear Mr. Ellsberg. You have done a great duty to are country. Your the biggest hero we got. P.S. Thank you. P.S.S. My family thinks so too. Love from Meg Van Doren"); and another ("You are a Good Man. Thank You and Good Luck")—which Dan tells me three black girls

slipped to him through a phone booth door at a time he was making all his phone calls from booths. There are also two phone messages tacked to the board. One reads, "Call Sidney Zion, Old Friend, Urgent!" and is dated 5:03 P.M., June 16, hours before Zion announced over a New York radio station that Ellsberg was the man who had leaked the papers. The other, from 10:40 A.M., June 22, while Dan was still underground, reads simply, "F.B.I. Agent 742-5533." There is also a sheaf of clippings on the Pentagon Papers from German, Swedish and Japanese newspapers.

On a table is a pile of mail, some of the thousands of letters Ellsberg has received in recent months. I pick out three:

• "As far as I am concerned you are the hero of the Vietnam war, and that if more people would do the things that had to be done such as you did, the world would be a better place."

• "Hail Hero! How are the royalties coming? Will they provide enough for your children to compensate for their having a traitor as a father? Why is every traitor a Jew?"

• "By profession I am a business consultant and I would appreciate knowing if your writing on the ability to make decisions could apply to business decisions."

His secretary comes up with the day's mail—a good two dozen letters, among which is a curiosity:



The first piece of hate mail Ellsberg can recall" which is not also anti-Semitic. In fact, it comes from an apparently Jewish doctor in Chicago, Ill. Ellsberg is so infatuated with the letter—which compares him to Benedict Arnold—that he decides to call the doctor. But he turns out to have an undisturbed phone number. "I should have known," Dan chuckles. "If you send hate mail, of course you don't list your phone number."

(In the month I was with him, few people Ellsberg encountered raised any serious questions about the ethics of leaking the Pentagon Papers. One of these few was a Harvard professor who accused him of betraying his close friend, Harry Rowen, then president of Rand. The professor quoted E.J.L. Forster's line—"If I had to choose between betraying my country and betraying my friend, I hope I should have the guts to betray my country." This argument hits home with Ellsberg, for Harry Rowen was indeed his best friend in the world. He knew that his release of the papers, which he obtained through Rand, would undoubtedly damage Rowen's standing in Washington. But he argues that the choice was not simply between an abstract concept like "country" and a real friend. "After all, there were thousands of very real people—among them some of my friends—who would also be deeply affected—even killed—by a continuation of the war.")

From a nearby bookshelf Dan plucks down several books which he says have influenced his recent development: "Conquest of Violence: the Gandhian Philosophy of Conflict" by Joan V. Bondurant; "We Have Been Invaded by the 21st Century" by Dave McReynolds; "The Politics of History" by Howard Zinn, and, particularly, "Revolution and Equilibrium" by Barbara Deming, whose title essay ends: "May those who say they believe in nonviolence learn to challenge more boldly those institutions of violence that constrict and cripple our humanity. And may those who have questioned nonviolence come to see that one's rights to life and happiness are only as claimed as indelible as one grants, in action, that they belong to all men."

### October 22

THE AOM in New York; I go over to the Ellsbergs' apartment for my only formal taped interview.

First a brief one with Patricia. I particularly want to ask her about the widespread public impression that she "changed" Dan from a "hawk" to a "dove" by refusing his marriage proposal in Vietnam during 1968 and marrying him four years later only after he had substantially altered his views on the war.

"Oh absolutely not!" she says. "It was 10 different things of which I was perhaps one small part. Sure there were differences between us in Vietnam. But it was more the difference between men and women. I looked at those kids in the streets, the refugees, the poverty, and the thought of what was happening to those human lives was just intolerable, sickening. Dan at that time was much more caught up in ideologies and abstract principles. He wanted things to be more humane, too, but was trying to bring that about through memos, internal reforms."

"But what changed Dan wasn't me. It was seeing the war and the devastation month after month, sitting in on all those conferences, reading all those memos, and it was time and his own personal liberation. When I saw him again in California, in the spring of 1968, he was much looser, much easier with himself and with nature. It was just a kind of joie de vivre that hadn't been there before. He was his own man. He was a man who could finally love and whom I could love."

When I ask the same question of Dan, he mentions many of the things and people we have already talked about, but gradually we move toward a conference of the War Resisters' League which he attended at Haverford College in September, 1969—just weeks before he decided to Xerox the Pentagon Papers.

"There was this one young guy there—a Harvard graduate named Randy Heller. A very good-looking guy, very intelligent, thoughtful, calm, into the California culture as I was. The last evening of the conference, Randy

gave a talk about the peace movement. He talked of all the people in the movement who were going to jail. Then, out of the blue, he said, 'and I'm very proud that I'm soon going to be joining them.' He was resisting the draft and, sure enough, he was soon in prison."

"Well, I remember thinking, you see—this is our best, our very best, and we're sending them to prison, more important, we're in a world where they feel they just had to go to prison."

Suddenly, he begins to weep openly, burying his head in his arms in the half light seeping in from the East River. After a few seconds, he wipes his eyes. "I'm never able to tell anyone about this without crying. The best we had, our very best. All of a sudden, it set new standards for me of what one could be expected, or asked, to do, in the way of resistance to the war. I realized that these young men were very much like my friends in the Marine Corps who had gone into combat for their country. I saw that what these draft resisters were doing was entirely in that spirit. That they were very patriotic. And suddenly I realized that I too would have to enter a kind of resistance to the war even if I too had to go to prison."

### October 22

ELLSBERG is speaking in the Harvard Yard to the 20th reunion of his Harvard Class, of 1952. His shirt sleeves rolled up, he sits on the edge of a classroom desk and talks of the changes 20 years have wrought.

"I can remember a night when we were freshmen. Those of us here in the Yard were awakened by this terrific noise. It turned out some student had set off 24 sticks of dynamite down on the river bank—a prank, you know, like one of our party raids. But only a couple of days ago, the building in which my M.I.T. office is located was bombed—not in jest—but for real, apparently out of outrage at this terrible war."

"So the changes in these 20 years since we left Harvard have not been very good. If we're going to escape much

worse, we need other kinds of change. Not a revolution, but a cultural reformation."

His classmates give Dan a resounding ovation. Then, in the question period, one asks him whether he is suffering much harassment from the F.B.I. and other Government agencies. "Oh, a bit," he says with a laugh. "My phone is tapped and all that. But after all I'm giving them a bit of trouble, too. I hope I'm giving them more trouble than they're giving me. And I have more trouble I can give them. And I will." □